
for
PITMANITES
(COURT REPORTERS)

LEGAL PHRASE BOOK

LEGAL TERMS AND LEGAL PHRASES

for

PITMANITES

(COURT REPORTERS)

By

P. Narasinga Rao,

MA., DPM IR&LW, DCP,
FSWAP, FSWAK

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PHRASEOGRAPHY – LEGAL PHRASES

Sir Isaac Pitman, the Inventor of most popular shorthand system published his work first in 1837 with the title "Stenographic Sound Hand".

The art of phrasing and phraseography did not find place when it was introduced. The Stenographers in those days did not imagine that the speed can be increased simply by joining the outlines together without lifting the pen to make a phraseogram. Now-a-days, we cannot imagine the shorthand writing without 'phraseography'.

Experience has shown that many thousands of common phrases, containing from two to seven or eight words, may be written without lifting the pen from the paper; and as each lifting of the pen is equivalent to the making of a stroke, it is clear that great saving of time will be effected whenever phraseography is employed to any considerable extent.

Phraseography may be regarded as 'art within an art' and it requires some special attention to practice before it can be judiciously employed. There is something characteristic about a phraseogram which usually distinguishes it from single words, and the very compactness of its form enables the eye to decipher it in less time than would be required to take in several separate words, which occupy much more space. In the one case the eye rests upon a single outline, and in the other it has perhaps to travel over half a line before it can see the whole phrase. The phraseogram will have to be written more carefully than the separate words, as it requires less time. More space is saved by phraseography than would be imagined, and if the characters employed are carefully formed, they are as easily read as they are compact and brief.

Some expressions occur so frequently that to write each word separately is a waste of time and energy. It takes no longer to write the phrase 'in fact' than to write 'fact' or any other similar word. Phrasing does not mean that any expression can be phrased but some words may be grouped which are not used in any other sense in the ordinary course of colloquial language.

It is well known that phraseograms are formed by simply joining the outlines fully or partially and based on (1) Omission of

consonants; (2) Omission of syllables, (3) Omission of Logograms, (4) through Intersection, besides the general principles of facility, lineality and legibility.

The Stenographers who wish to obtain proficiency in their performance must possess manual dexterity and power of execution by (a) obtaining a complete mastery of the elementary principles of phonography; (b) securing a thorough and practical understanding of every little detail of the system they write.

There are thousands of expressions in the English language in daily use in the various departments of commercial and professional life, which by the frequency of their occurrence, become known by the term "stereotyped," and the stenographer who memorizes these expressions, together with the shortest possible shorthand outlines for the same, would invariably attain a higher rate of speed than those who writes the full outline for every word.

The reporting of trials, references, and the taking of testimony is not the difficult job for the Stenographer who has thoroughly mastered the various expressions peculiar to court work. Likewise, the verbatim reporting of sermons, speeches, lectures, etc. becomes an easy task when the various expressions, together with the briefest possible outlines for the same, have been mastered.

It is obvious that the fewer and shorter the characters written, the greater the ease and legibility with which they are formed, with a consequent advantage in transcription.

In this book, some frequently occurring words and phrases in legal field are given with brief forms to attain high speed in shorthand writing. The dictation passages are compiled from various sources, which may be useful for the shorthand writers who are serving in the courts as reporters and also those who wish to pursue their employment in the legal field. The aspiring shorthand writer need to write the outlines/phraseograms in their shorthand form several times and study the principles used for the combinations, to make himself fit as an proficient shorthand writer.

Wish you all the Best.

WORDS - OUTLINES

abandon
abandonment
abeyance
about
absolute
abundantly
abuse
accessory
accordance
account
accusation
accused
accused-appellant
acquisition
acquitted
additional
adduced
adjournment
adjudication
adjudicatory
administrators
admitted
adult
adulteration
advanced
adverse
adviser
advocate
affidavit
affirmation
agreement
AKA (also known as)

Alford
alimony
Allahabad
allegation
alleged
already
alternate
alternative
amicus curiae
analysis
analyst
ancestral
Andhra
animus
annoy
annoyance
annulment
anon
another
ante
anti
appeal
appear
appearance
appearing
appellant
appendage
application
apprehend
apprehension
arbitration
argue
argued
arguing

arguments
arise
arms
Army
arrears
arrest
articles
Assam
assembly
assessment
assignee
assignment
assistance
assistant
association
assume
attached
attachment
attention
attestandi
Attorney
auction
authenticate
automatic
averments
award
ayacut
ayacutdar
bail
bailable
banking
bankrupt
barred
before

behalf
behaviour
being
below
bench
benefit
best
beyond
bilateral
black
blind
bliss
Bombay
bona fide
bond
bounds
breach
break
breaking
brief
briefly
bring
broken
brought
brush
burden
calendar
cancellation
capias
capital
carefully
case
categorical-ly
caught

cause	college	contact	cross-examination
caused	commercial	contempt	culpable
causes	commission	contend	*curiae*
causing	Commissioner	contended	curiously
cautiously	commit	contending	currency
caveat	committed	contention	custody
cease	commodities	contest	customs
certificate	community	continuance	damage
certify	companies	contract	damaging
certiorari	comparative	contraction	dangerous
chapter	compensation	contrary	dealing
charge	competent	controversy	death
charged	complainant	convict	debt
charges	complaint	convicted	debtor
chattels	complex	conviction	*decidendi*
chemical	conclusive	co-operative	decision
chief	conclusively	co-parcenary	*decisis*
child	condition	corporal	declaration
circumstances	conditional	corporation	declaratory
circumstantial	condone	corpus	declare
citizenship	conduct	corruption	decree
civil	confession	costs	decretal
claim	confessional	council	deed
class	confinement	counsel	default
clause	conjugal	counter	defence
clear	connection	counterfeit	defendant
clearly	consecutive	court	defender
close	consequen-tial-ly	court-appointed	defile
cloud	consideration	courts	defiling
code	considered	crack	delegation
cognizable	conspiracy	creditor	Delhi
cognizance	constitutional	crime	*delicti*
coin	consum-mation	criminal	delinquent
collateral			

- *delitum*
- department
- deposit
- deposition
- *desirandi*
- desist
- destroy
- destroyed
- destroying
- detain
- detention
- determination
- diminution
- direct
- direction
- directory
- discharge
- discovery
- discretion
- discretionary
- discriminate
- discrimi-nately
- discrimination
- discrimina-tory
- discre-pance(cy)
- discuss
- discussed
- discussions
- dishonest
- dismiss
- dismissal
- dismissed
- disorderly
- dispose
- disposition
- dispute
- disputes
- dissolution
- distress
- district
- disturbance
- disturbing
- divergence
- diversionary
- dividend
- division
- divisional
- divorce
- docket
- doctrine
- document
- document-ary
- domicile
- done
- dotted
- doubt
- dying
- easement
- easement-ary
- eclipse
- education
- effect
- effective
- ejectment
- *ejusdem*
- election
- electronic
- emancipated
- emancipation
- emption
- emptor
- enjoyment
- enough
- enquiry
- entire
- entirety
- environment-al
- equitable
- erred
- essential
- est (prefix rep by st loop)
- establish
- established
- establishment
- estate
- estoppel
- evacues
- evasive
- evening
- eviction
- evidence
- evidential-ly
- evidentiary
- examination
- examined
- examiner
- excessive
- exchange
- excise
- exclusion
- execution
- executive
- executors
- exemplary
- exemption
- expert
- explained
- explanation
- explosives
- express
- expression
- extenuating
- extra
- *facie*
- fact
- facto
- facts
- failed
- failure
- faith
- family
- father
- fault
- favour
- felony
- file
- financial
- finding
- firm
- fixed
- follows
- food
- force
- foreclosure
- foregoing

- forfeiture
- forged
- forma
- forthcoming
- found
- framed
- fraud
- free
- friend
- from
- function
- functus
- fundamental
- further
- furtherance
- gains
- garnishment
- general
- generis
- gentlemen's
- geographical
- gift
- God
- good
- government
- grace
- granted
- gratification
- gravity
- grevious
- grievance
- ground
- grounded
- grounds

- guarantee
- guardian
- guilt
- guilty
- *habeas*
- hemorrhage
- Hanafi
- handed
- heard
- hearing
- hearsay
- heirs
- held
- hereinafter
- hesitation
- high
- High Court
- Hindu
- hire
- hold
- holder
- homicide
- honestly
- honor
- honourable
- hospital
- hung
- hurt
- husband
- hypothecation
- identification
- identified
- identify
- identity

- illegal-ly
- immemorial
- immovable
- impeach-able-ment
- implement
- imprisonment
- improper
- impunity
- incarceration
- incident
- incongruities
- India
- Indian
- indictment
- indigent
- industrial
- infer
- inference
- infirmity
- infraction
- infringe
- ingredients
- inherent
- inheritance
- *initio*
- injunction
- inquest
- insolvent
- Inspector
- instance
- instructions
- instrument
- insult

- integra
- intention
- intents
- Interest (rep by "st" loop)
- interested
- interim
- interpreter
- interrogatory
- intimidate
- invalidate
- invasion
- investigating
- investigation
- iota
- irrefutable
- irretrievably
- Islamic
- issue
- issues
- joint(ly)
- journal
- Judge
- Judgment
- *judicata*
- judicature
- judicial
- jump
- Juris
- jurisdiction
- jurisprudence
- juror
- jury
- justice
- juvenile

- Karnataka
- keeping
- Kerala
- killing
- kin
- kind
- known
- Kolkata
- lack
- land
- language
- lapse
- lapsed
- last
- law
- law-abiding
- lawful
- lawsuit
- Lawyer's
- leading
- learned
- lease
- leasehold
- least
- legal
- *legatee*
- legitimacy
- length
- lessee
- lessor
- letter
- liability
- libellant
- lien

- lieu
- life
- light
- limitation
- line
- liquidator
- lite
- *litem*
- litigant
- lockout
- locus
- lodge
- Lordship
- loss
- lower
- lurking
- Madras
- Magistrate
- maintain
- majeure
- malicious
- mandamus
- mandatory
- mania
- manner
- Manu
- marked
- marriage
- marshal
- material
- means
- measures
- mediation
- medical

- members
- memorandum
- mentioned
- mineral
- minimum
- minor
- minutes
- misappro-priate-d
- misappro-priation
- mischief
- misconception
- misdemeanor
- misjoinder
- misreading
- misrepre-sentation
- mistake
- mistaken
- Mitakshara
- mitigating
- *mittimus*
- modification
- modus
- Mohamadan
- monitoring
- moral
- morning
- *mortem*
- mortgage
- mortgagee
- mortgager
- motor
- *motu*
- movable

- movement
- multiple
- municipal
- municipality
- Munsiff
- murder
- *mutandis*
- *mutatis*
- natural
- neglected
- negligence
- negligent
- negligently
- negotiable
- next
- night
- *non-ayacut*
- non-bailable
- noncognizable
- noncognizance
- non-financial
- non-suit
- non-testament
- notarize
- notary
- notice
- *novo*
- nuisance
- null
- number
- oath
- object
- objection
- obligation

observed
occurrence
offence
offences
offender
offensive
office
officer
official
officio
one's
oneself
open-close
operandi
opinion
opponent
opposite
option
order
ordered
orders
other
our
outset
over
overruled
owner
P.Ws.(Prosecution witnesses)
parade
parcel
pari
parole
part
parte

partial
parties
partition
partnership
party
passed
patent
paternity
pauperia
pauperis
peace
pecuniary
penal
penalty
pending
peoples
peremptory
performance
period
perjury
permanent
perpetuity
person
persuasive-ly
petition
petitioner
placing
plain
plaint
plaintiff
plausible
plea
pleaded
pleader

pleadings
pleased
plot
point
police
possession
post
postal
posting
power
powers
Pradesh
prayed
precedence
predecessor
prejudice
preliminary
preparatory
pre-partition
preponderance
pre-sentence
presumption
pretences
pre-trial
prevention
previous
prima
principal
principles
print
privacy
private
privilege
privy

probabilities
probable
probate
probation
probe
procedure
Proceedings (rep by suffix dash)
process
profits
promise
promissory
proof
properties
property
pros
prosecute
prosecution
prosecutor
protection
prove
proved
provision
proximate
proxy
public
punish-able
punitive
Punjab
purchase
purchaser
purpose
quasi-judicial
question
quid

Scanned by CamScanner

quo
railway
rash
rashly
rashness
ratio
read
ready
reasonable
reasons
rebuttal
receipt
receiver
recognize-able
recognize-ance
record
redhanded
reduced
reference
referred
reforms
regard
register
registered
registration
regulations
reject
release
relevant
relief
relinquish-ment
rely
rent

reorganization
repetition
reply
report
reporter
representation
representative
resjudicate
resolution
respondent
restitution
restraining
result
return
returned
review
revision
revocation
right
rights
rigorous
rites
rule
run-in
said
sale
same
sanitary
scene
schedule
scrutinize
seal
sealed
search

second
section
securities
security
self-serving
senior
sentence
sentenced
sentences
separate
separation
serious
serve
served
services
sessions
set
settle
settled
settlement
severability
severally
shall
shares
sheet
shock
shops
short
should
show
sign
signature
simple
since

sine
site
skip
slaughter
slip
small
societies
solitary
someone
speaking
special
specific
specimen
spirit
stamp
stand
standi
standing
state
stated
statement (rep by 'st' loop)
states
statute
statute-barred
statutory
stay
stipulation
stock
stolen
strenuously
stressed
stretch
strict
strictly

strings
Sub-contractor
subject
sublease
sublet
submitted
subordinate
subpoena
substance
substitute
such
sue
suffer
suit
summary
summon
summons
superior
supply
support
supreme
surety
suspended
suspicion
suspicious
sustained
swindle
symbolic
symbolical-ly
taken
taking
Taluka
Tamil
taxation
temporary
tenant
tenderer
term
testament
testament-ary
testimony
that
their/there
these
third
third-party
title
tort
trade
trademark
transcript
transfer
transferer
transport
treasure
trespass
trial
trouble
trove
trust
truth
turn
turpitude
ultimate
ultra
unconditional
undergo
undivided
unequivocal-ly
unimpeach-able-ment
universal
unlawful
unnatural
unpatented
unrebuttable
unregistered
unsafe
unto
upon
urged
usufruct
usufructuary
vacate
validity
valuable
valuation
value
vehemently
vehicles
vendee
vendor
venue
verbal
verdict
vexatious-ly-ness
vicarious
victim
view
village
violation
vires
visitation
void
voluntarily
voluntary
wages
warrant
water
weapon
weigh
weight
wife
withholding
witness
women's
wounds
writ
writing
written
wrongful
youth

PHRASES – ADVANCED PHRASEOGRAMS

- ab initio void
- abandon *an* action
- abandonment *of an* easement
- about how far is it
- about how many days
- about what time
- about what time *of* day
- absolute owner *of the* plaint schedule property
- absolute owner *of the* property
- absolute owner *of the* schedule mentioned lands
- absolute owner *of the* suit house
- absolute owner *of the* suit land
- absolute owner *of the* suit schedule house
- absolute owner *of the* suit schedule property
- abundantly clear
- abuse *of* process
- accessory right
- according *to* law
- accused appellant
- acquisition *of* land
- acquitted of *the* offences *with* which they are charged
- ad interim
- ad interim injunction
- ad litem
- additional evidence
- additional issues
- Additional Munsiff
- additional written statement
- Adjudicated insolvent
- adjudicatory hearing
- adult probation
- advanced *by the* learned advocate *for the* accused appellant
- advanced *by the* learned advocate *for the* plaintiff
- advanced *by the* learned advocate *for the* respondent
- advanced *by the* learned counsel *for the* accused appellant
- advanced *by the* learned counsel *for the* defendant
- advanced *by the* learned counsel *for the* petitioner
- advanced *on* behalf *of the* accused appellant
- advanced *on* behalf *of the* defendant
- advanced *on* behalf *of the* plaintiff
- adverse claim
- adverse enjoyment
- adverse inference
- adverse interest
- adverse possession
- Advocate *for the* accused
- Advocate *for the* accused appellant
- Advocate *for the* defendant
- Advocate *for the* plaintiff
- Advocate *for the* respondent
- after close (closure) *of the* evidence
- after *the* fact
- AKA "also known as"
- Alford doctrine
- allegation *of the* complainant
- allegation *of the* defendant
- allegation *of the* petitioner
- allegation *of the* plaintiff
- allegation *of the* prosecution
- alleged *by the* plaintiff
- alleged *to have* been
- alleged *to have* taken place
- alternate Juror
- alternative dispute resolution
- amicus curiae
- amicus curiae brief
- an act *of* God
- ancestral property

- Andhra Pradesh High Court
- Andhra Pradesh Police Act
- animus attestandi
- animus desirandi
- annoyance *and* disturbance
- annulment *of the* marriage
- another serious infirmity
- ante mortem
- appeal bond
- appendage *to the* family
- appendage *to the* family *of the* plaintiff
- arbitration clause
- arbitration proceedings
- are there as many
- are there many
- are there not
- are you answering
- are you sure
- are you testifying
- are you willing to swear
- aren't you
- argued before me
- argued before me *by the* learned advocate *for the* plaintiff
- argued before me *by the* learned counsel *for the* plaintiff
- argued *on* behalf *of the* accused
- argued *on* behalf *of the* complainant
- argued *on* behalf *of the* defendant
- argued *on* behalf *of the* plaintiff
- arguments advanced *on* behalf *of the* respondent
- Army, navy *or* air force
- as a matter *of* law
- as a matter *of* right
- as far as you can
- as far as you can tell
- as far as you know
- as Jurors
- as you are *to* determine
- as you may find
- as you may resolve
- as you say
- Assam High Court
- assessment *of* damage
- assignment list
- Assistant Attorney General
- Assistant Public Prosecutor
- assume liability
- at *the* cost *of* repetition
- at *the* time *of* accident
- at *the* time *of* conversation
- at *the* very outset
- attachment *after* judgment
- attachment *before* judgment
- Attorney *of* Record
- auction purchaser
- automatic orders
- averments *of the* plaint
- averments *of the* plaintiff
- award *a* contract
- ayacut land
- bailable warrant
- Banking Companies Act
- bankruptcy petition
- barred *by* limitation
- barred *by* time
- based upon the evidence
- before *the* police
- before *the* Session Judge
- Bench warrant
- benefit *of* doubt
- beyond any (the) reasonable
- beyond reasonable doubt
- bilateral agreement
- Bombay High Court
- bona fide
- bond forfeiture (calling *the* bond)

bond review
both these
breach *of* contract
breach *of* promise
breach *of the* peace
break *the* law
brief facts *of the* case *are* as follows
briefly stated
bring home *the* guilt *of the* accused
brought *to* my attention
build a case
burden *of* proof
by that you mean *to* say
cancellation date
capias mittimus
capital felony
case file
case *of* mistaken identity
case *on* hand
categorically stated before me
categorically stated *in* his evidence
caught red-handed
cause *of* action
cause *of* action *for the* suit
caused annoyance and disturbance
caused damage
caused disturbance *to the* public peace
causing disturbance
caveat delicti
caveat emptor
cease and desist
charge sheet
charge *to* Jury
chemical examiner
Chief Judicial Magistrate
circumstantial evidence
citizen's arrest
City Municipality Act
civil action
civil law
civil procedure code
civil revision petition
claim *for* alimony
claim *for* compensation
claimed on the one hand
claimed on the other hand
class action law suit
code *of* civil procedure
code *of* criminal procedure
code *of* Manu
cognizable *offence*
collateral contract
collateral evidence
collateral security
come clean
come into force
come *to* terms
commercial law
commission *of the* (an) offence
commission warrant
committed *the* offences *with* which they are charged
common law
common property
community property
community service
comparative negligence
competent court
complex litigation
conclusive evidence
conclusively established
conditional discharge
confession *of the* accused
confessional statement
conjugal bliss
consecutive sentences
constitutional validity
constructive notice
consummation *of* marriage
contempt *of* court
contention advanced *on* behalf *of the* plaintiff

contention advanced *on* behalf *of the* respondent

contention *of the* petitioner

continuance date

contrary *to* law

contributory negligence

contributory negligence *of the* plaintiff

convict and sentence *the* accused

convicted *and* sentenced

conviction *and* sentence

conviction and sentence passed *by the* learned Judge

conviction and sentence passed *by the* learned Magistrate

co-operative movement

Co-operative Societies Act

corporal property

corpus delicti

Counsel *for* the

Counsel *for the* accused

Counsel *for the* defendant

Counsel *for the* plaintiff

Counsel *for the* respondent

counter claim

counterfeit coin

counterfeit currency

counterfeit government stamp

court fee examiner

court fee and suit valuation

court reporter

court services officer

crack down on

credibility *of* witness

credit *of* witness

creditor *and* debtor

creditors *and* legatees

criminal conspiracy

criminal force

criminal law

criminal law journal

criminal misappropriation

criminal procedure code

criminal revision petition

criminal trespass

cross-examination

culpable homicide

culpable negligence

curiously enough

custody affidavit

damage *by* fire

damages *for* malicious prosecution

dangerous offender

dealing *with the* question

declaration and injunction

declaration and possession

declaratory decree

declare *the* suit schedule land

declare *the* suit schedule mentioned property

declare *the* suit schedule property

decree holder

decree *of* dissolution *of* marriage

decree *of* divorce

decree or order *of the* civil court

decretal order

Defence *of* India Act

defendant respondent

defendant's neglect

defendant's negligence

Delhi High Court

delitum *in* presenti

destroy, damage or defile

destroying, damaging or defiling

determine the

determine their

did commit murder

diminution *of* supply *of* water

direct result
directory provisions
discretion *of the* court
discretionary powers
discussed *by* me
dishonest intention
dishonest misappropriation
dismissal without prejudice
dismissed *with* costs
disorderly conduct
dissolution *of* marriage
dissolution *of* partnership
distress warrant
District *and* Sessions Court
District *and* Sessions Judge
District Court
District Magistrate
divergence *of* judicial opinion
diversionary programs
Division Bench
Division Bench *of the* High Court
Division Bench *of the* Supreme Court
do you believe
do you claim
do you claim there
do you know whether
do you know whether or not
do you mean to say that
do you mean to swear
do you mean to tell the jury
do you mean to testify
do you recollect whether or not
do you remember whether
do you want the jury to understand
do you want to swear
docket number
doctrine *of* eclipse
doctrine *of* resjudicate
doctrine *of* severability
doctrine *of* stare decisis
documentary evidence
does he go there
does not arise
does that mean
draw up *an* agreement/contract
drew my attention
due process (of law)
dying declaration
easementary rights
effective date
ejusdem generis
election petition
electronic monitoring
emancipated minor
Essential Commodities Act
essential ingredients
evasive reply
ever *and* anon
evidentiary document
evidentiary value
ex parte
ex post facto
examined *by the* complainant
examined *by the* defendant
examined *by the* plaintiff
examined *by the* prosecution
excessive delegation *of* powers
exchange *of* words
Excise Inspector
exclusion ulteriors
execution *of* decree
execution *of* warrant
execution proceedings
execution suspended
Executive Magistrate
executive orders
exemplary damages
exemption clause
exhibit to the court
exhibit to the jury

- exhibit your
- expert evidence
- expert witness
- express contract
- express promise
- express provisions
- expressio unisest
- extra judicial confession
- facts and circumstances *of the* case
- facts *in* issue
- facts relevant *to the* issue
- failed *to* bring home *the* guilt *of the* accused
- failed *to* establish
- failed *to* prove
- failure *to* appear
- false arrest
- false pretenses
- false witness
- felony murder
- file documents
- financial affidavit
- find a verdict
- find *for* defendant
- find *for* plaintiff
- First Class Magistrate
- first defendant
- first mortgage
- first plaintiff
- first point *for* consideration
- fixed term contract
- Food Adulteration Act
- for cause
- for example
- for how long
- for how long a time
- for illustration
- for instance
- for partition and possession
- for such other reliefs
- for the foregoing reasons
- for the purpose *of* court fee
- *for the* reasons stated (said) above
- *for the* same arguments
- for you *to* determine
- for you *to* resolve
- force majeure
- forged document
- forma pauperis
- found guilty *of the* offence
- framed, read over *and* explained
- framed, read over and explained *to the* accused
- fraud - swindle
- free *and* clear
- from day *to* day
- from door *to* door
- from place *to* place
- from street *to* street
- from *the* evidence discussed
- from *the* evidence discussed above
- from *the* evidence *of* P.Ws.
- from time *to* time
- from your memory
- from your recollection
- full legal powers
- full settlement
- full settlement *of the* claim
- functus officio
- fundamental rights
- Gentlemen *of the* Jury
- gentlemen's agreement
- geographical area
- gift deed
- give notice
- go into effect
- go legit
- go *on* record
- good behavior
- goods *and* chattels
- Government Order
- Government Pleader
- grace period
- gray area

- gross negligence
- grounded *in* fact
- grounds *for* (something)
- guarantee deposit
- guardian ad litem
- guardian *of the* minor
- habeas corpus
- had there been
- Hanafi Law *of* Inheritance
- has no manner *of* right, title or interest
- has no means *to* maintain
- have you given
- have you received
- having regard *to the* age *of the* accused
- having carefully considered
- having carefully considered *the* evidence
- having regard *to the* age *of the* offender
- having regard *to the* facts *and* circumstances *of the* case
- having regard *to the* gravity *of the offence*
- having regard *to the* probabilities *of the* case
- he further states
- he has argued
- he has contended
- he has further argued
- he has further contended
- he has further pleaded
- he has further stated
- he has further stated *in* his evidence
- he has further urged
- he has pleaded
- he has stated *in* his evidence
- heard *in* part
- heirs, executors, administrators and assignees
- hereinafter referred to
- High Court *of* Andhra Pradesh
- High Court *of* Judicature
- High Court *of* Judicature at Bombay
- High Court *of* Karnataka
- High Court *of* Tamil Nadu
- Hindu Divorce Act
- Hindu father
- Hindu joint family
- Hindu Law
- Hindu Law of inheritance
- Hindu Marriage Act
- Hindu rights *and* customs
- Hindu undivided family
- Hindu wife
- Hindu womens' rights *to* property Act
- Hire purchase agreement
- His Lordship *of* Allahabad High Court
- His Lordship *of* High Court *of* Kerala
- His Lordship *of* Supreme Court
- homicide
- Honourable Court
- Honourable Court may be pleased *to* call for
- Honourable Court may be pleased *to* decree *the* suit
- Honourable Court may be pleased *to* direct
- Honourable Court may be pleased *to* discuss
- Honourable Court may be pleased *to* order
- house breaking
- house breaking *by* night
- Hung jury
- husband and wife
- I am *of the* firm opinion
- I am *of the* firm view
- I am *of the* opinion
- I ask *the* Court *to* charge
- I ask *the* Court *to* charge the jury
- I can't remember

I charge

I could not tell whether or not

I decline to charge

I do not know whether

I do not say

I do not see

I don't know

I except

I except *to the* refusal to charge *in the* language requested

I *have* already held

I have no doubt

I *have* no hesitation

I *have* no hesitation *to* hold

I *have* no other option

I have not

I instruct you

I may take this opportunity

I refuse *to* charge

I refuse *to* charge as requested

I said they were not

I shall discuss *the* evidence

I shall now discuss *the* evidence

I swear

I swear that

I take *an* exception

I think there were

I think they were

I would not

I would not be sure

I would not say

identificat*ion* parade

if plaintiff knew

if you determine

if you find

if you resolve

if you shall find

illegal - unlawful

illegal gratification

immovable property

implement *an* agreement

imprisonment *for* a period *of*

imprisonment *for* a term *of*

imprisonment *for* life

improper valuation

in a suspension

in abeyance

in accordance with

in arrears

in bad faith

in case *of* controversy

in considerat*ion* *of*

in considering

in custody *of*

in debt

in dispute

in effect

in favor *of*

in force

in forma pauperia

in furtherance

in furtherance *of the* common object

in good faith

in her cross-examination

in his cross-examination

in his examinat*ion* *in* chief

in its entirety

in lieu *of*

in my view

in order *to* bring home *the* guilt *of the* accused

in order to recover

in our view

in person

in plain language

in possess*ion* and enjoyment *of the* properties

in private

in public

in receipt *of*

in reference to

in reference *to the* accident

in reference *to the* testimony

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in such other manner

in support *of* his contention

in the act *of*

in the alternative

in the case *of the* complainant

in *the* cross examination

in the evening

in the instance case

in the interest *of* justice

in the language requested

in the light *of* my finding

in the light *of the* finding

in the light *of* these discussions

in the morning

in the public interest

in the right

in the wrong

in this case

in trouble *with the* law

in trust *of*

in view *of* these incongruities

in what capacity

in your capacity

in your determination

in your examination

in your opinion

in your testimony

Indian Arms and Explosives Act

Indian Companies Act

Indian Constitution

Indian Evidence Act

Indian Penal Code

Indian Railways Act

Industrial Disputes Act

industrial property

inherent jurisdiction

inherent powers

inherent powers *of the* Court

inquest report

Inspector *of* Police

insult, annoy or intimidate

insult, intimidate or annoy

interested testimony *of* P.ws.

interim order

intimidate, annoy or insult

intimidate, insult or annoy

invasion *of* privacy

Investigating Officer

irrefutable loss

irrefutable presumption

is there any business

is there any doubt

is there any possible

is there any way

is there anything

Islamic rites and customs

it has been contended

it has been laid down

it has no basis

it has *to* be proved

it has *to* prove

it is a question *of* fact

it is abundantly clear

it is alleged *by the* complainant

it is alleged *by the* plaintiff

it is alleged *by the* prosecution

it is also *in the* evidence *of*

it is an admitted fact

it is argued

it is argued *by the* learned advocate appearing *for the* accused

it is argued *by the* learned advocate appearing *for the* petitioner

it is argued *by the* learned advocate appearing *for the* respondent

it is argued *by the* learned advocate *for the* accused

it is argued *by the* learned advocate *for the* defendant

it is argued *by the* learned advocate *for the* plaintiff

it is argued *by the* learned counsel appearing *for the* defendant

it is argued *by the* learned counsel appearing *for the* plaintiff

it is argued *by the* learned counsel *for* the

it is argued *by the* learned counsel *for the* accused

it is argued *by the* learned counsel *for the* accused appellant

it is argued *by the* learned counsel *for the* defendant

it is argued *by the* learned counsel *for the* defendant appellant

it is argued *by the* learned counsel *for the* petitioner

it is argued *by the* learned counsel *for the* plaintiff

it is argued *by the* learned counsel *for the* respondent

it is case *of the* plaintiff

it is claimed

it is clearly established

it is contended

it is contended *by the* learned advocate *for the* accused

it is contended *by the* learned advocate *for the* defendant

it is contended *by the* learned advocate *for the* petitioner

it is contended *by the* learned advocate *for the* plaintiff

it is contended *by the* learned counsel *for the* accused

it is contended *by the* learned counsel *for the* accused-appellant

it is contended *by the* learned counsel *for the* defendant

it is contended *by the* learned counsel *for the* first defendant

it is contended *by the* *learned* counsel *for the* first plaintiff

it is contended *by the* learned counsel *for the* petitioner plaintiff

it is contended *by the* learned counsel *for the* second defendant

it is contended *by the* learned counsel *for the* second plaintiff

it is contended *on* behalf *of the* accused appellant

it is contended *on* behalf *of the* complainant

it is contended *on* behalf *of the* defendant

it is contended *on* behalf *of the* plaintiff

it is further alleged

it is further contended

it is further contended *by the* learned counsel *for the* defendant

it is further contended *by the* learned counsel *for the* accused

it is further contended *by the* learned counsel *for the* plaintiff

it is further contended *by the* learned advocate *for the* accused

it is further contended *by the* learned advocate *for the* plaintiff

it is further contended *by the learned* counsel *for the* petitioner

it is further contention *of the learned* advocate *for the* accused

it is further contention *of the* learned advocate *for the* defendant

it is further contention *of the* learned counsel *for the* defendant

it is further contention *of the* learned counsel *for the* plaintiff

it is further *in the* evidence *of*

it is further pleaded

it is further urged *by the* learned advocate appearing *for the* petitioner

it is further urged *by the* learned advocate appearing *for the* plaintiff

it is further urged *by the* learned advocate *for* the

it is further urged *by the* learned advocate *for the* accused

it is further urged *by the* learned advocate *for the* defendant

it is further urged *by the* learned advocate *for the* Petitioner

it is further urged *by the* learned advocate *for the* Plaintiff

it is further urged *by the* learned advocate *for the* Respondent

it is further urged *by the* learned counsel appearing *for the* accused

it is further urged *by the* learned counsel appearing *for the* petitioner

it is further urged *by the* learned Public Prosecutor

it is further urged *by the* learned Public Prosecutor

it is held

it is in evidence

it is *in* his evidence

it is *in the* evidence *of*

it is laid down

it is laid down *in the* said decision

it is next argued

it is next argued *by the* learned advocate *for the* accused appellant

it is next argued *by the* learned advocate *for the* defendant

it is next argued *by the* learned advocate *for the* Respondent

it is next argued *by the* learned counsel *for the* accused

it is next argued *by the* learned counsel *for the* accused appellant

it is next argued *by the* learned counsel *for the* defendant

it is next argued *by the* learned counsel *for the* plaintiff

it is next conended

it is next contended *by the* learned advocate *for the* accused

it is next contended *by the* learned advocate *for the* defendant

it is next contended *by the* learned advocate *for the* petitioner

it is next contended *by the* learned advocate *for the* plaintiff

it is next contended *by the* learned counsel *for the* accused appellant

it is next contended *by the* learned counsel *for the* defendant

it is next contended *by the* learned counsel *for the* plaintiff

it is next contended *by the* learned counsel *for the* respondent

it is next urged

it is next urged *by the* learned counsel *for the* accused

it is next urged *by the* learned counsel *for the* defendant

it is next urged *by the* learned counsel *for the* plaintiff

it is settled law

it is stated *in* his evidence

it is stated *in the* evidence *of* prosecution witness

it is submitted

it is submitted *by the* learned assistant Public Prosecutor

it is submitted *by the* learned Government Pleader

it is submitted *by the* learned Public Prosecutor

it is submitted *by the* learned advocate *for the* accused

it is submitted *by the* learned advocate *for* accused

it is submitted *by the*

learned advocate *for* defendant

it is submitted *by the* learned advocate *for* plaintiff

it is submitted *by the* learned counsel *for the* accused

it is submitted *by the* learned counsel *for the* defendant

it is submitted *by the* learned counsel *for the* opponent

it is submitted *by the* learned counsel *for the* petitioner

it is submitted *by the* learned counsel *for the* plaintiff

it is *the* case *of the* defendant

it is *the* case *of the* prosecution

it is *the* contention

it is *the* contention *of the* learned advocate *for the* accused

it is *the* contention *of the* learned advocate *for the* defendant

it is *the* contention *of the* learned advocate *for the* plaintiff

it is *the* contention *of the* learned counsel *for the* accused appellant

it is *the* contention *of the* learned counsel *for the* defendant

it is *the* contention *of the* learned counsel *for the* petitioner

it is *the* contention *of the* learned counsel *for the* plaintiff

it is *the* contention *of the* learned counsel *for the* respondent

it is *the* next contention *of the* learned advocate *for the* accused

it is *the* next contention *of the* learned advocate *for the* defendant

it is *the* next contention *of the* learned counsel *for the* accused

it is *the* next contention *of the* learned counsel *for the* defendant

it is unsafe *to* convict

it is unsafe *to* rely

it is unsafe *to* rely *on the* evidence *of*

it is urged

it is urged *by the* learned advocate *for the* accused

it is urged *by the* learned advocate *for the* defendant

it is urged *by the* learned advocate *for the* plaintiff

it is urged *by the* learned advocate *for the* respondent

it is urged *by the* learned counsel *for the* accused

it is urged *by the* learned counsel *for the* defendant

it is urged *by the* learned counsel *for the* petitioner

it is urged *by the* learned counsel *for the* plaintiff

it is urged *by the* learned counsel *for the* respondent

it is well established law

it is your duty

it must appear

it must be

it should go *to* show

it was contended

it was held

it was urged *by the* learned counsel *of the* defence

it would go *to* show

joint family

joint family property

joint Hindu family

joint possession

jointly and severally

judge of the facts

Judge *of the* High Court

Judge of the law

Judge *of the* Lower Court

Judge *of the* Supreme Court

Judgment creditor

Judgment debtor
Judgment file
Judgment of the Court
Judicial function
Judicial Magistrate
Judicial Magistrate Second Class
Judicial Officer
judicial opinion
judicial probe
judicial process
judicial separation
jump bail
juris number
Jurisdiction *of the* case
Jury charge
Jury Instructions
just state to jury
just state when you
Justice *of* peace
Juvenile court
juvenile delinquent
juvenile detention
juvenile matters
juvenile offender
juvenile probation
Karnataka Rent Control Act
Kolkata High Court
lack *of* evidence
land acquisition

land acquisition officer
land mortgage
Land Reforms Act
last will and testament
law courts
Law Journal
law *of* crime
law *of* estoppel
law *of* inheritance
law *of* limitation
law suit
law unto oneself
law-abiding
lawful possession
Lawyer's notice
lay down *the* law
leading question
Learned Advocate
learned advocate appearing *for the* accused
learned advocate appearing *for the* accused argued
learned advocate appearing *for the* defendant
learned advocate appearing *for the* defendant argued
learned advocate appearing *for the* plaintiff
learned advocate *for the* accused argued
learned advocate *for the* complainant

learned advocate *for the* defendant
learned advocate *for the* defendant argued
learned advocate *for the* offender
learned advocate *for the* plaintiff
learned advocate *for the* plaintiff argued
learned assistant Public Prosecutor
learned Counsel
learned counsel appearing *for the* accused
learned counsel appearing *for the* accused argued
learned counsel appearing *for the* defendant
learned counsel appearing *for the* defendant argued
learned counsel appearing *for the* petitioner
learned counsel appearing *for the* plaintiff
learned counsel *for the* accused
learned counsel *for the* accused appellant
learned counsel *for the* accused argued
learned counsel *for the* accused argued before me
learned counsel *for the* defence

- learned counsel *for the* defendant
- learned counsel *for the* defendant argued
- learned counsel *for the* first plaintiff
- learned counsel *for the* first respondent
- learned counsel *for the* petitioner
- learned counsel *for the* plaintiff
- learned counsel *for the* plaintiff argued
- learned counsel *for the* respondent
- learned counsel *for the* second respondent
- learned friend
- Learned Judge
- learned Judge below
- learned Judge *of the* High Court
- learned Judge *of the* Lower Court
- learned Magistrate
- learned Munsiff
- learned Munsiff Magistrate
- learned Prosecutor argued
- Learned Public Prosecutor
- lease contract
- leasehold property
- least bit *of* evidence
- legal action
- legal adviser
- legal age
- Legal aid or Legal Services
- legal assistance
- legal charges
- legal custody
- legal department
- legal domicile
- legal fees
- legal proceedings
- legal representative
- legal separation
- lessee - tenant
- lessor or lessee
- let go
- let me discuss *in* brief
- let me discuss *in* brief *the* evidence
- let us see
- letter *of* intent
- letter *of the* law
- liability *in* contract
- lien creditor
- limitation period
- lis pendens
- locus standi
- lodge a complaint (against someone)
- look at exhibit
- look through
- lower court has erred
- lurking house trespass
- Magistrate (judge)
- malicious prosecution
- malicious security proceedings
- mandatory injunction
- mandatory provisions
- manslaughter in the first degree
- manslaughter in the second degree
- many witnesses
- marked subject *to* objection
- marked subject *to* proof
- material facts *of the* case
- matter *of* record
- may be considered
- may I take *the* opportunity
- may it have been
- may it not have been
- may render
- may there have been
- may there not have been
- medical certificate
- medical college hospital
- medical evidence
- medical jurisprudence
- Medical Officer
- members *of* an unlawful assembly

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memorandum *of* appeal
memorandum *of* association
memorandum *of* transferer
mesne profits
metes and bounds
might there have been
mineral rights
Minimum Wages Act
mischief *by* fire
mischief *of* killing
misconcepti*on of* fact
misjoinder *of* causes *of* action
misjoinder *of* charges
misjoinder *of* facts
misjoinder *of* parties
misreading *of* a (the) document
misrepresentati*on of* facts
mistake *of* fact
mistake *of* law
Mitakshara coparcenary
Mitakshara coparcenary estate
Mitakshara Law
mitigating circumstances
mittimus judgment
Modi's Medical Jurisprudence
modus operandi
Mohamadan Law
moral turpitude
mortgager and mortgagee
Motor Vehicles Act
motor vehicles taxation
movable and immovable properties
movable and immovables
movable property
multiple wounds
Municipal Commissioner
Municipal Council
murder in the first degree
murder in the second degree
must be considered
must render
mutatis mutandis
my best recollection
my learned predecessor's predecessor
my recollection
my recollection of the accident
my recollection of the conversation
my recollection of the testimony
my remarks
my rememberance of the event
my reply
neglect of the defendant
neglected minor
negligence of the defendant
negligence *of the* driver
negligent conduct
Negotiable Instruments Act
next argued
next contention
next *of* kin
next point *for* (our) consideration
no contact order
no contest
no evidence is adduced
no evidence is forthcoming
no fault divorce
no order as *to* costs
non-ayacut lands
non-bailable *offence*
non-bailable warrant
non-financial bonds
non-testament instrument
notary public
notice *of* sale
null and void
objecti*on* overruled

objection sustained
of my own personal knowledge
of my own knowledge
of one's own free will
of such assembly
off *the* record
offensive weapon
office copy *of the* letter
office copy *of the* notice
official assignee
Official Liquidator
Official Receiver
on condition that
on consideration *of the* evidence
on one occasion
on one side
on or after
on or before
on probation
on record
on the contrary
on the date *of* incident
on the date *of* occurrence
on the date *of offence*
on the facts and circumstances *of the* case
on the one hand
on the other hand
on the other side
on the same day and time
on this side
on what side
on your direct examination
once in a while
once or twice
open-close
opposite direction
or *in the* alternative
order *of* detention
order *of* inheritance
order *to* detain
ordered *to* be destroyed
ordered *to* be returned
orders *of* temporary custody
out *on* bail
out *on* parole
partial agreement
partition and separate possession
partnership deed
patent holder
patent office
patent pending
pecuniary interest *of* Government
pedente lite
penal provision
penalty clause
pending enquiry
per procurationem
peremptory orders
permanent injunction
persuasively admitted
persuasively argued
persuasively urged
placing *the* evidence pros and cons
plaint schedule house
plaint schedule land
plaint schedule mentioned
plaint schedule properties
plaint schedule site
plausible explanation
plea bargain
please state whether or not
point *for* consideration
point *for* determination
points *for* consideration
points *for* determination
Police Officer
Police Station
possession and enjoyment *of the* house
possession and enjoyment *of the* land

- possession and enjoyment *of the* schedule mentioned property
- possession and enjoyment *of the* suit house
- possession and enjoyment *of the* suit schedule house
- post Judgment
- post mortem
- post mortem certificate
- postal acknowledgement
- posting bond
- Power *of* Attorney
- Power *of* Attorney holder
- prayed *for* an adjournment
- prayed *for* dismissal *of the* suit
- prayed *to* condone *the* delay
- prayed *to* decree *the* suit
- prayed *to* decree *the* suit *with* costs
- prayed *to* discuss *the* application
- prayed *to* dismiss *the* suit
- prayed *to* reject *the* application
- predecessor *in* interest
- preliminary decree
- preliminary hearing
- preliminary issue
- preparatory direction
- pre-partition debts
- preponderance of evidence
- preponderance *of* judicial opinion
- preponderating evidence
- pre-sentence investigation
- pre-trial hearing
- Prevention *of* Corruption Act
- prevention *of* cow slaughter
- Prevention *of* Food Adulteration Act
- previous conviction
- prima facie
- Principal Munsiff
- principles *of* equitable estoppels
- principles *of* natural justice
- principles *of* resjudicate
- prior to the accident
- prior to the day
- prior to the occurrence
- private complaint
- private defence
- probabilities *of the* case
- probable cause hearing
- probate claim
- probate court
- Probation *of* Offenders Act
- promise *to* appear
- property *in* question
- prosecution has *to* prove
- prosecution side's evidence
- protective order
- provisions *of* section
- proximate result
- public analyst
- public defender
- public nuisance
- Public Prosecutor
- Public Service Commission
- punishable under chapter
- punishable under section
- punishable under such law
- punishable *with* imprisonment
- punitive damages
- Punjab High Court
- put down *in* black and white
- quasi-judicial proceedings
- quid pro quo
- Railway property
- Railway Protection Force
- rash and negligent

- rash and negligent act
- rash and negligent manner
- rashly and negligently
- rashness and negligence
- ratio decidendi
- read *with* rule
- read *with* section
- reasonable apprehension
- reasonable care
- reasonable certainty
- reasonable doubt
- rebuttable evidence
- reduced *to* writing
- register a trademark
- registered agreement
- registered document
- registered letter
- registered notice
- registered owner
- registered relinquishment deed
- registered sale deed
- registered trust deed
- registration certificate
- registration charges
- registration fees
- relinquishment deed
- Reorganization *of* States
- reply notice
- Representation *of* Peoples Act
- res integra
- res judicata
- restitution *of* conjugal rights
- restraining order
- return date
- revision petition
- revocation hearing
- right *of* appeal
- right *of* claim
- right, privilege, obligation or liability
- right, title and interest
- rights *on* industrial patent
- rigorous imprisonment
- sale deed
- Sanitary Inspector
- Sarcar's Evidence Act
- scene *of* occurrence
- scene *of* offence
- schedule mentioned house
- schedule mentioned property
- search warrant
- Second Class Magistrate
- second defendant
- second plaintiff
- security *for* good behavior
- security *for* keeping *the* peace
- security proceedings
- self-serving evidence
- self-serving statement
- Senior Judge
- sentence modification
- sentence review
- sentenced *to* suffer rigorous imprisonment
- sentenced *to* suffer simple imprisonment
- sentenced *to* undergo
- sentenced *to* undergo rigorous imprisonment
- sentenced *to* undergo simple imprisonment
- separate signature
- serious infirmity
- serious infirmity *in the* case *of the* prosecution
- serious juvenile offender
- serious juvenile offence
- serve notice on
- Sessions Judge
- set (someone) free
- shares and securities
- she said that
- she says to me
- shock and hemorrhage
- Shops and Establishments Act
- short calendar

short point *for* consideration
show cause
show cause why
show cause why you should not be
show good faith
sign *on the* dotted line
signature *by* proxy
signed, sealed and delivered
simple imprisonment
since *the* time immemorial
sine die
site valuation
skip bail
slip opinions
small cause court
small claims
solitary evidence
speaking order
Special Magistrate
special sessions *of the* Superior Court
specific performance
specific relief
specific time *to* limitation
specimen signature
spirit *of the* law
stand one's ground
standing order
State Public Service Commission

State referee
State Road Transport Corporation
stated before me
stated before *the* court
stated *in* his evidence
statement (stated) before *the* police
statement before *the* court
State's attorney
States Reorganization Act
statute *of* Limitations
statutory provisions
stay *of* execution
stolen articles
stolen property
strenuously argued
stretch *the* truth
strict proof
strictly scrutinize
Sub Divisional Magistrate
Sub-contractor
subject *to* (something)
subject *to* objection
sublease - sublet
Subordinate Court
Subordinate Judge
subpoena duces tecum
substance *of the* accusation
substitute charge

sue motu
suit *for* declaration and possession
suit *for* dissolution *of*
suit *for* dissolution *of* marriage
suit *for* dissolution *of the* partnership
suit *for* partition
suit *for* possession
suit *for* pre-emption
suit *for* promissory note
suit *for* restitution *of* conjugal rights
suit schedule house
suit schedule mentioned
suit schedule plot
suit schedule site
suit valuation
sum and substance *of the* accusation
summary process
summon witnesses
surety bond
suspended *for* a period *of*
suspicious circumstances
suspicious manner
take effect
take it *for* granted
take precedence over
take *the* law into one's own hands

- taking all these facts into consideration
- taking *for* granted
- taking into account
- taking it *for* granted
- taking *the* entire evidence into consideration
- taluka Magistrate
- tax fraud
- tell the court and jury
- temporary injunction
- tenants *in* common
- testamentary document
- that is not your testimony
- that you *on* or about the
- the regulations *in* force
- their Lordships *have* held
- their Lordships *have* observed
- their Lordships *have* stressed
- their Lordships of the Allahabad High Court
- their Lordships *of the* Andhra High Court
- their Lordships *of the* High Court
- their Lordships *of the* Karnataka High Court
- their Lordships *of the* Madras High Court
- their Lordships *of the* Supreme Court
- theory of the defence
- theory of the plaintiff
- theory of the prosecution
- there could not have been
- there is good force *in the* (this) contention
- there is good force *in* this allegation
- there is no direct evidence
- there is no dispute
- there is no evidence forthcoming
- there is no force *in* this contention
- there is no good force *in the* (this) connection
- there is not an iota *of* evidence *on* record
- there is nothing *in the* evidence *of*
- there is nothing *on* record
- there may have been
- there should not be
- they claim
- third mortgage
- third-party guarantee
- this is a charge sheet
- this is a suit
- this suit
- this would go *to* show
- time Served
- to be *in* force
- to break an agreement
- to break *the* law
- to certify
- to draw up a contract
- to give due notice
- to infringe
- to lapse (to be statute-barred)
- to refund (*to* pay back)
- to rent
- to rent (lease – hire)
- to settle a dispute
- to sign a receipt
- to sublease (*to* sublet)
- to take legal action
- to take minutes
- to take someone *to* court
- to take their trial
- to the best of my knowledge
- to the best of my knowledge and belief
- to the best of my opinion
- to the best of my recollection
- to the facts *of the* case
- to the letter
- to this injury
- to your satisfaction
- transfer hearing
- transfer *of* properties act
- transfer *of* property
- treasure trove Act

trial de novo
trial referee
trial venue
trumped-up
turn a blind eye *to* (someone or something)
ultimate analysis
ultra vires
uncared for
unconditional discharge
under a cloud
under age
under arrest
undivided Hindu family
universal donee
universal legatee
unlawful assembly
unlawful association
unlawful consideration
unlawful possession
unnatural death
unnatural offence
unrebuttable evidence
unregistered document
upon a defendant
upon all the evidence
upon defendant
upon notice

upon the defendant
urged *on* behalf *of the* accused appellant
urged *on* behalf *of the* defendant
validity, contracti*on* or execution
valuable security
valuation *of the* suit
vehemently argued
vehemently argued before me
vehemently argued before me *by the* learned counsel *for the* accused
vehemently argued before me *by the* learned counsel *for the* defendant
vehemently argued before me *by the* learned counsel *for the* plaintiff
vehemently argued *by the* learned advocate *for the* accused
vehemently argued *by the* learned advocate *for the* petitioner
vehemently argued *by the* learned advocate *for the* plaintiff
vehemently argued *by the* learned counsel *for the* defendant
vehemently argued *by the* learned counsel *for the* accused
vehemently argued *by the* learned counsel *for the* plaintiff
vehemently contended *by the* learned

counsel *for the* defendant
vehemently contended *by the* learned counsel *for the* plaintiff
vehemently contended *by the* learned counsel *for the* accused
vehemently stressed
vehemently urged
vendor and vendee
verbal agreement
verdict *of the* defendant
vicarious liability
victim Services advocate
Village Munsiff
Village Panchayat
violati*on of* probation
voir dire
voluntarily caused grievous hurt
voluntarily caused hurt
voluntary information
voluntary statement
wage execution
wage withholding
was there anybody
we can infer
we know, therefore,
weigh *the* evidence cautiously
weight *of* evidence
weights and measures

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well established principle
well established principles *of* Law
well laid down
went *on* arguing
went *on* contending
went *on to* argue
went *on to* contend
were there any
were there or not
what is the matter
what is your judgment
what took place
what was the matter
what was the reason
whatever you think
when did you go there
when such being *the* case
when such is *the* case
when there was
which he claim
which is laid down
who told you
will you say
will you swear
with interest
with reference to that
with reference to the books

with regard to the matter
with regard to the papers
with which he is charged
with which they are charged
within *the* cognizance
would you be willing
would you be willing to swear
wounds certificate
writ *of* certiorari
writ *of* habeas corpus
writ *of* mandamus
writ petition
written agreement
written statement
wrongful confinement
wrongful gains
wrongful loss
you appear
you are going
you are testifying
you are to consider
you can, therefore,
you cannot entertain
you do not remember when
you do not remember whether

you know that
you know whether
you know, therefore,
you may be certain
you may consider
you may, therefore,
you mean *to* say
you must be satisfied
you must consider
you must give
you observe
you recollect the evidence
you think you can
you think you can't
you think you will
you will consider
you will say
you will, therefore,
your Honour charged
your own judgment
your own knowledge
your own views
your sympathy
your verdict
youthful offender

JURY CHARGE (PASSAGE – 1)

NSRA SPEED CONTEST (1909)

(Marked at every 30 words to enable to write the passage at different speeds)

The undue influence which will vitiate the will must be such as operates upon the mind of a testator at the time he executes the will and thus controls and /30 induces him to make the will in the manner in which he does by reason of that influence. It must be such influence as affects the free agency of the /60 testator and impels him to yield his choice to the person exerting the influence. Acts of kindness, disparaging statements of one who is the natural object of the testator's affection /90 and bounty, in general, will not constitute undue influence; but if these operate on the mind of the testator at the time of making the will so as to place /120 him under any restraint and control the terms of the will, they may amount to undue influence. It is not necessary that the undue influence be exerted by a beneficiary /150 under the will; neither is it essential that the undue influence be exerted at the time of the execution of the will; but the undue influence that will vitiate a /180 will may be the sum total of the effect of words spoken and acts done at or prior to the time of executing the will; but the effect of the /210 acts must operate upon the mind of the testator in the act of making his will and restrain his free agency at that very time; otherwise the influence does not /240 affect or void the will.

As stated, a person of full age, sound mind and memory, and not under any restraint, may dispose of his property or parts thereof by /270 will, executed according to law, provided his disposition does not violate any law. The testator has a right to decide the terms of his will. He has a right to /300 select the persons to whom he gives his property. He determines the portion he devises or bequeaths to each. He judges the fairness, justness or quality of his disposition by /330 will. As its provisions affect others no one may question his right so to do or challenge his will, if made according to law and its provisions do not violate /360 the law. The contents of the will, the effect and consequences of his provisions upon the persons whom the testator would naturally bestow his affections and his estate, as apparent /390 from the evidence submitted, may be considered in connection with all the evidence in determining whether the testator did possess testamentary capacity or was under restraint at the time of /420 making the will when he did make it.

Declarations of the testator made at or after making a will in respect to his children and in respect to his purpose /450 and intention as to making

a will and the disposition of his property may be considered as bearing on the testator's capacity and undue influence. Old age, mental or physical /480 weakness, will not alone invalidate a will, unless such state or conditions render the operation of testator's mental faculties unreliable and deprive him of testamentary capacity as defined to you. /510 But old age, mental or physical weakness, disease, or either, if existing at the time of making a will, may be considered in determining testamentary capacity and undue influence. If /540 old age and physical weakness alone or in conjunction with other causes render the operation of testator's mental faculties unreliable and render him incapable of comprehending the provisions of his /570 will and the effect thereof, or render him so susceptible to undue influence operating on his mind at the time of making the will that he acts under restraint in /600 making his will, then such will would be invalid.

Much evidence has been submitted bearing upon the issue between the parties. The door to the history of the life and /630 death of John Smith, deceased, has been left ajar. You have been given glimpses therein. Evidence has been introduced tending to prove his age, his marriage, his domestic life, his /660 pleasures, his sorrows, his traits of character, his virtues and his frailties, his business enterprises and successes; the extent and value of his estate, the names of his children, their /690 possessions and necessities, his conduct toward them and theirs toward him and each other, his advancements to them, his health and infirmities, his strength and his weaknesses, his sufferings, the /720 opinions of physicians and of acquaintances as to his mental states and faculties; all these and more have been submitted for your consideration. It is your duty to digest these /750 matters of evidence. (753 words)

JURY CHARGE (PASSAGE – 2)

NSRA SPEED CONTEST (1909)

(Marked at every 30 words to enable to write the passage at different speeds)

Gentlemen of the Jury: This is a case of some importance. In it arise an unusual number of questions of fact, and it will require the utmost of your good /30 judgment and your care and attention to determine those questions of fact accurately in order that justice may be done between the parties. Those are questions which are exclusively for /60 you to decide. While you will get your instructions with respect to the law entirely from the Court, and you need give no consideration to what counsel have said to

/90 you about questions of law, the matters of fact are peculiarly and exclusively your province.

The suit is brought to recover damages for personal injuries which it is alleged on /120 the part of the plaintiff were caused by negligence on the part of the employees of the defendant company. It appears that on the sixteenth of December, eighteen hundred and /150 ninety-nine, the plaintiff in this case, a young man in his twenty-second year, was a passenger on the car of the defendant company going southward on Sixth street. /180 Just prior to the time of the accident he was standing on the front platform on the east side of the car leaning against the brass railing, and, as he /210 says, with his hands upon it. At Johnson avenue, where the tracks of a railroad run and where the track of the defendant crosses that railroad, or a short distance /240 below Johnson avenue, he either fell or was thrown or pushed off the car; he fell upon the street; his leg came across the track, and the wheel running against /270 it so injured the leg that later it required two amputations. Now, it is contended for the plaintiff that this accident was due to negligence. Negligence is a want of /300 due and proper care; such care as a man of ordinary judgment and prudence would exercise under the circumstances of the case. It is to be measured by those circumstances. /330

The plaintiff tells you that the accident occurred in this way: He says that as the car approached Johnson avenue it slowed up, the conductor got off of the car /360 on the west side, ran ahead across the tracks on Johnson avenue, signaled to the car to come along, that the car then crossed the tracks on Johnson avenue and /390 that then the conductor jumped on to the front step on the west side; that at this time there were six or seven people standing upon the front platform; that /420 the conductor in jumping on to the step pushed against this set of people arid that thus he, who was on the other side of the platform, on the east /450 side, was jammed or crushed off into the street. Now, while men are beings who can think and act for themselves individually and may have their individual movements they are /480 also creatures made up of flesh and bone and they are just as capable of transmitting momentum as are wood and any other solid body, and supposing the accident to /510 have occurred in the way in which the plaintiff describes, it will be for you to say whether it was the exercise of due and proper care for the conductor, /540 knowing of the presenee of these people upon the front platform, to so push against them that a possible

passenger on the other side might be pushed off into the /570 street.

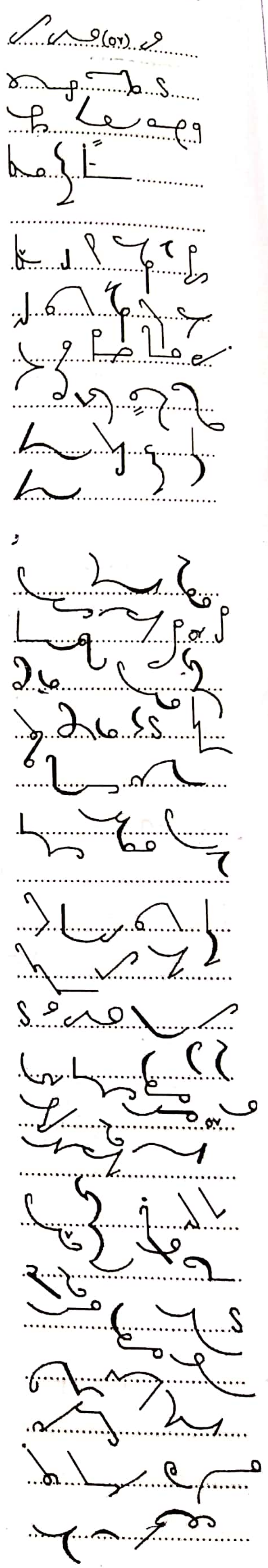
There is one witness who to some extent corroborates the plaintiff in his statement about the conduct of the conductor. A man named Johnson, who was coming up Sixth /600 street on the east side below Johnson avenue, testifies to you that he saw the conductor get on to the front platform.

The plaintiff has also testified that the car /630 did not stop on the north side of Johnson avenue, and that as it went across Johnson avenue and down the slope on the other side it was going at /660 a pretty lively rate. He describes it as nearly at a full rate, and he says that the car as it crossed the tracks and down to the slope was /690 swaying to and fro. Mr. Smith testified that the car went across the track very fast and he describes it as jumping up and down, and Mr. Johnson testifies that /720 when he saw the car it was jolting.

Now, there is a further question for you to determine, assuming the truth of this evidence as to the manner in which /750 the car was going, and taking into consideration the situation and the circumstances. There is evidence that this car was full of passengers. There is further evidence that there were /780 passengers upon the rear platform and passengers upon the front platform. There is some evidence that the plaintiff at the time was either sick or in a drunken condition. You /810 will have to determine whether, in view of these facts and in view of the further fact that after the car crossed Johnson avenue it approached a downward slope, it /840 was the exercise of due and proper care to run that car in the way in which the plaintiff and his witnesses say it was being run.

If you should /870 determine these questions or either of them in such a way as to find that there was negligence in the manner in which the car was managed or in the /900 conduct of the conductor, and should further find that there was no contributory negligence upon the part of the plaintiff, then your duty would be to find a verdict for /930 the plaintiff.

In case you do find these questions in favor of the plaintiff you then will be met with the duty of determining how much your verdict in his /960 favor shall be, and you are called upon to ascertain the damages. What the law looks to is compensation for pecuniary loss which the plaintiff has suffered, and it looks /990 to the compensation alone and no other mode of reimbursement. (1000 words)



JURY CHARGE (PASSAGE – 3)

NSRA SPEED CONTEST (1909)

(Marked at every 30 words to enable to write the passage at different speeds)

Gentlemen of the Jury: You are the sole judges of the questions of fact involved in this case. You are not to be influenced by anything that the court has /30 said, or that you imagined that the court has thought in regard to the facts. It is the privilege and duty of the court to call the jury's attention to /60 questions of fact, if he so desires; but, in the end, you must be your own judges as to what the facts are, under the instructions of the court as /90 to the law. The law you will take from the court and from nobody else.

The first proposition I want to impress upon your minds, gentlemen, in this case is: /120 that you must not be influenced by prejudice, or passion, or sympathy. That is a vital question, a most vital question for a jury in a case of this character. /150 You have seen this man's leg; you know his injuries. But you must not consider those injuries at all or the question of damages, if any, until you have considered /180 two or three vital propositions in the case.

It is right for human beings to be influenced by kindness, and by sympathy. But it is not right for jurors or /210 courts. Nothing can be more wrongful. You must hold the scales of justice here fairly, impartially and blindly, and consider the law and the facts, nothing else. You have a /240 right to sympathize and give your own money to this plaintiff, if you want to; but you have no right to give anybody else's money except under the law. That /270 is a vital proposition; more vital, I think, in the trial of lawsuits than in any other question. The jury should do its duty, regardless of what is involved /300 and what the injuries are. Courts are influenced by prejudice and passion, and influenced wrongly. But it is the duty of the court as well as the jury to withstand /330 prejudice, passion and sympathy.

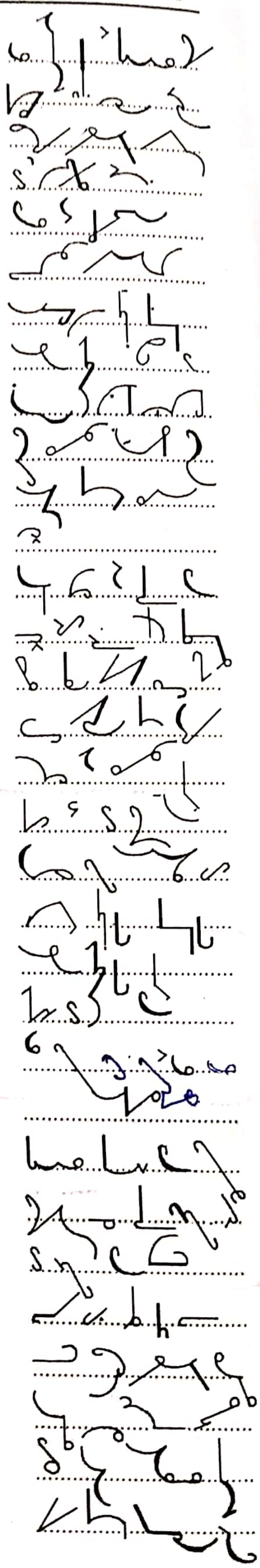
So, then, I want you to start out in this case with that understanding: that you are to be cool, clear headed, cold blooded in passing /360 upon the questions of fact that I shall present to you.

The declaration in this case states that the plaintiff was in the employ of the defendant, which was a /390 corporation engaged in

business, as shown here by the evidence; and that it was the duty of the defendants there are two of them to use reasonable care and diligence /[420] to keep and maintain said steps which have been heretofore described, or stairway, in a reasonably safe condition of repair, so that the /[450] said plaintiff might perform all duties and labors required of him safely. And the plaintiff avers that the said defendants, disregarding their duty in that behalf, carelessly, wrongfully, and negligently /[480] allowed said steps or stairway to become and remain in a loose, tottering, decayed, unsafe and dangerous condition, so that whilst said plaintiff was undertaking, in the exercise of due /[510] care to go upon or over said steps in passing to his said duties there, and was then and there conveying a ladle of molten metal thereupon, said steps did /[540] then and there tip or turn, with the said plaintiff; and as a result of their dangerous and unsafe condition as aforesaid, by reason thereof, the said plaintiff was then /[570] and there injured and damaged in a certain amount.

One vital element of that declaration, contained in every count, I want to call your attention to, where it describes the /[600] steps; what the steps were, and what the steps did. The plaintiff does not charge, and you cannot try the question, as to whether those steps originally were sufficient, or /[630] not. They admit that proposition. But they charge that they were loose; that they became and remained in a loose, tottering, decayed, unsafe and dangerous condition; and that as a /[660] result of that condition they tipped and turned with the said plaintiff, and threw him off. Now, they must prove that; and the proof of anything else won't help the /[690] plaintiff. The plaintiff must prove that they were in a tottering condition; decayed condition; unsafe and dangerous condition; and as a result of that, that they tipped, and turned the /[720] plaintiff over. Now, that is their charge, and that they must prove by the preponderance of the evidence.

Defendants deny that, and every other proposition in the three or four /[750] counts in the declaration. The burden of proof is upon the plaintiff to prove every allegation in the declaration, by the preponderance of the evidence; the greater weight of the /[780] evidence. Now it is the duty of the defendants to use due care and caution, to furnish a reasonably safe place for its employees to work; and to use due /[810] care and caution to furnish reasonably safe appliances for them to work with. In this case it was the duty of the defendants to use due care and caution to /[840] furnish these steps (which are admitted in the beginning to have been reasonably



safe) and to use due care and caution to keep those steps in a reasonably safe condition. /870 That is, to do as reasonably prudent men would do under the same circumstances and conditions in order to keep them safe the same as you would do if you /900 were in that business or any man would do, if he were in that business.

Employers are not insurers; they simply do the best they can. The law requires them /930 to do that, as reasonably prudent men. The plaintiff and other employees assume the ordinary risks of their business; the ordinary dangers, that they must know, and they must see. /960 But it is incumbent upon the plaintiff to use reasonable care and caution to avoid injury. The burden is on the defendant, however, to prove that he did not use /990 such reasonable care and caution. / (995 words)

JURY CHARGE (PASSAGE – 4)

NSRA SPEED CONTEST (1910)

(Marked at every 30 words to enable to write the passage at different speeds)

Gentlemen of the Jury: It now becomes the duty of the court to instruct you as to the law governing this case, and what I shall say to you on /30 that subject you must be governed by. The court presides at the trial of an action for the purpose of, among other things, determined the law in the case and /60 advising the jury as to what the law of the case is and also passing upon objections to evidence which may be offered in support of the issues joined and /90 seeing that improper evidence is excluded from the jury's consideration so that they may readily see the issues and apply the evidence that is adduced in support of the issues /120 or to contradict the issues. The jury are the judges of the facts, and with the jury rests the determination of what the facts in issue are. It is peculiarly /150 the province of the jury to determine from the evidence, and the natural and logical inferences to be drawn from the evidence, what the facts involved in the case are; /180 and by their verdict they determine the facts, and with their finding the court has nothing to do, except, as I have heretofore said, to see that they are properly /210 instructed and only consider proper evidence.

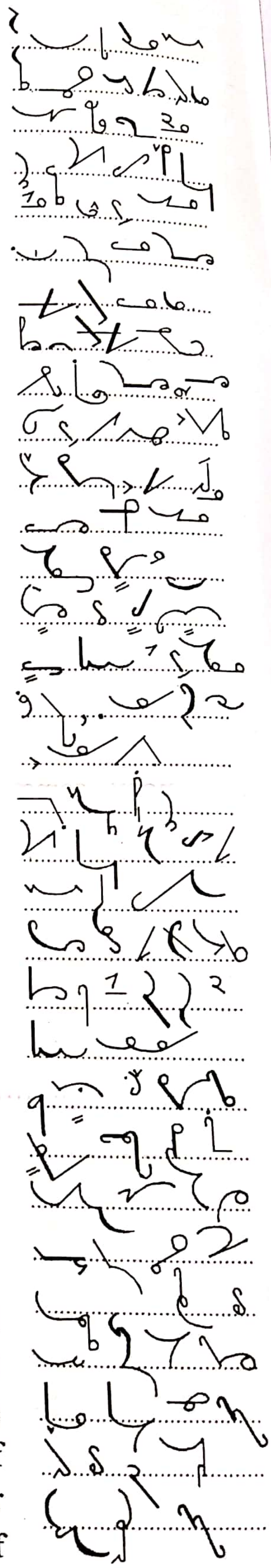
If the court, in making any ruling during the trial of this case has said anything from which the jury infers that the court /240 has any opinion, as to how this case ought to be decided, I now charge you to disregard what the court said in that behalf. I have no recollection of /270 having

said anything of that nature, but out of an abundance of caution I now say to you that it is your duty to exercise that independent judgment upon the /300 evidence in the light of these instructions and by your verdict determine what the facts in issue are.

A fact is said to be in issue when it is asserted /330 on one side and denied on the other, and the facts in issue are to be found in the pleadings in the case. There is a common error which calls /360 arguments of counsel to the jury before the close of the evidence, the pleadings of counsel. That is incorrect. Those statements made by counsel to the jury in explanation of /390 the evidence and in behalf of their respective contentions are the arguments of counsel, while the pleadings are the written statements of the parties to the action filed in the /420 action before it is submitted to the jury and contain the facts which each claims exist in the case.

In this action Sable and his younger brother Thomas are the /450 plaintiffs and John William Glenn is the defendant, and the pleadings in this case consist of the petition, the answer thereto, and the amendment to the answer and a reply /480 to the amendment to the answer.

Keeping in mind what I have told you constituted an issue of fact, namely, where a fact is asserted on one side and denied /510 on the other, that there an issue is said to be joined which the jury must determine, I now say at this point that wherever one of the parties admits /540 an averment which the other party makes, the jury may take, for the purposes of the action, the admission to be true and the fact established; so that what the /570 defendant has admitted in his answer to the petition you may take as true, namely, that on the first day of May, he sold and assigned to Sable Brothers at /600 Pittsburgh for the agreed consideration set forth in the contract in evidence here, the four or five oil leases described in the petition, together with the wells, power houses, tanks, /630 rods, tubing, machinery, fixtures and other personal property located thereon. And further, that he was to have all the oil production from said leases up to June 1st, last, and /660 further, that the defendant, at the time he made said sale and transfer to the plaintiffs knew that there were only twenty such wells located on said premises; but all /690 the other statements of the petition the defendant denies and by his denial casts the burden of proof upon the plaintiffs; so that, before plaintiffs would be entitled to recover /720 anything in this action, they would have to sustain the burden of proof

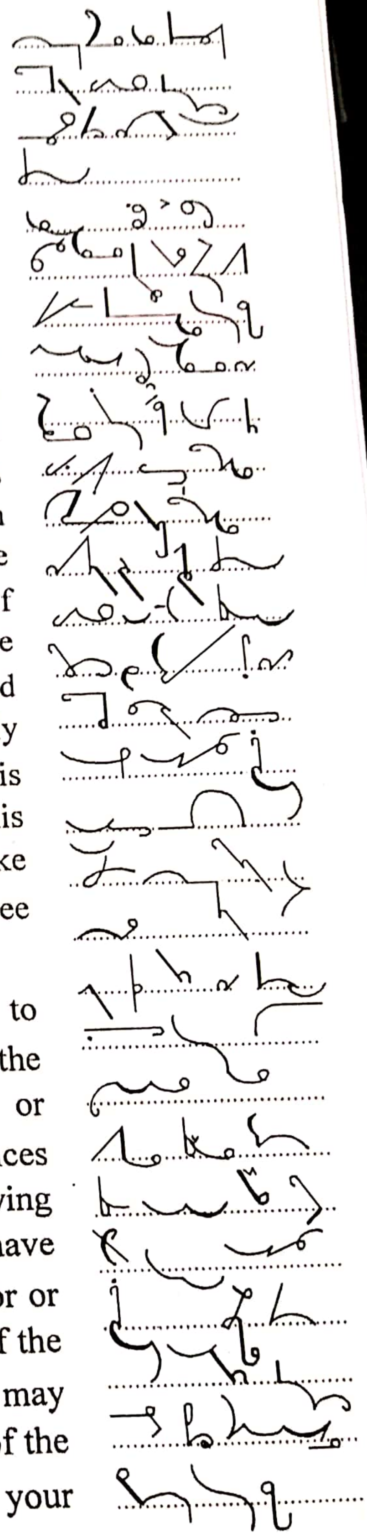


and make out their case by evidence to the degree of certainty that I shall hereafter refer /[750] to.

You are the sole judges, gentlemen, of the credibility of the witnesses. That is to say, you are to determine, by the exercise of your judgment, how far you /[780] will believe the witnesses in their testimony.

The evidence in this case consists of the sworn testimony of witnesses given on the stand, as well as the depositions of witnesses, /[810] parts of which were read to you, and also some papers which are called documentary evidence which were admitted for your consideration, and in finding the issues in this case /[840] you should consider all of these classes of evidence and compare them and consider them fully, giving due weight to all the evidence and reaching a conclusion from the evidence; /[870] and, as said before, the natural and logical inferences to be drawn from the evidence. Being the judges of the credibility of the witnesses, you are at liberty to believe /[900] or disbelieve part or all of the testimony of any of the witnesses. The witnesses were under oath while testifying and the presumption is that they were telling the truth, /[930] but you are not required by law to give full credence to everything that a witness may say simply because he is under oath, because the witness may be mistaken /[960] or his interest in the result of the controversy may incline him to color his testimony, sometimes unconsciously, and other considerations of like character may make it appear proper to /[990] you not to give the full degree of credibility that the language of the witness imparts.

The testimony of the witness should be tested by you. That is to say, /[1020] you should consider the demeanor of the witness while upon the stand, his candor and fairness or lack of it; his willingness or unwillingness, the readiness with which he testifies, /[1050] the circumstances to which he testifies, the opportunity that he may have had of knowing that to which he testified and the extent of the opportunity he may have had /[1080] for knowing what he has testified to; his bias or prejudice for or against either party, if any was shown, and his interest in the result of the controversy, if /[1110] any, and all such considerations as these which may enable you to determine how far you ought to accept the statements of the witnesses in ascertaining the facts that are /[1140] submitted for your consideration and determination. (1146 words)



JURY CHARGE (PASSAGE – 5)

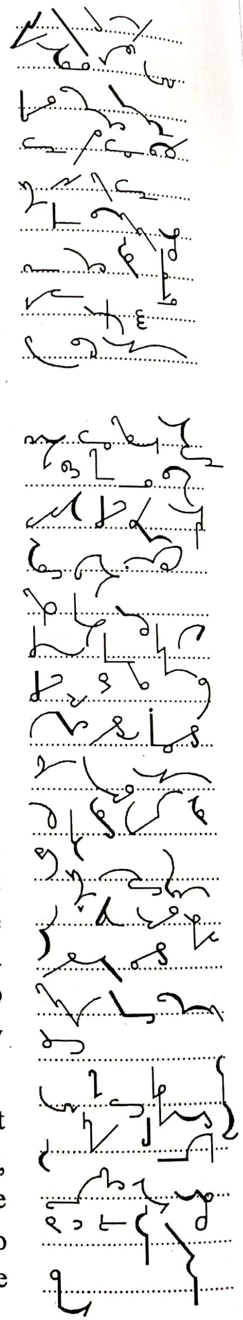
NSRA SPEED CONTEST (1911)

(Marked at every 30 words to enable to write the passage at different speeds)

Gentlemen of the Jury: Before entering directly upon my charge covering the law in this case, I will say to you that if you have any prejudice against divorce, dismiss /[30] it from your mind entirely, for you, by your verdict, do not give a divorce, nor do you refuse a divorce. You merely find a principal question of fact, and /[60] such other questions of fact as may be necessary to throw light upon the principal question of fact. Then, after you have rendered your verdict, the court enters such decree, /[90] granting or refusing a divorce, as may be proper under the circumstances. You can relieve your conscience and your mind of all thought on that subject, for all you /[120] have to do is to simply decide the facts which I will call to your attention, and when you have done that, you have no further concern in the matter. /[150]

Therefore, you should handle the questions presented to you as you would any other question of fact, and just as you would a contract case, without sympathy or passion one /[180] way or the other. The desertion which has to be made out to entitle a person to relief in a proceeding of this kind must be willful, malicious and without /[210] reasonable cause, and persisted in continuously for two years. Therefore, you can see the relevancy of the testimony as to what took place at the time of the alleged desertion, /[240] to wit, as to the fight between the sister of the libellant and the respondent, as to the conduct of the husband directly at that time, and as to his /[270] conduct shortly afterwards in the matter of the arrest growing out of that event. That has been gone into very thoroughly, and that is all, as I say, to throw /[300] light upon the main question, so that you may make up your mind whether, when the wife left the house on that day, there was a willful and malicious desertion /[330] without reasonable cause, or whether she was justified in leaving at that time. If it was a willful and malicious desertion, without reasonable cause, the husband, to start with, has /[360] properly begun his suit and has made out that very important part of his action.

But if you draw the conclusion, at the starting point, that it was not a /[390] willful and malicious desertion, without reasonable cause, but that, on the contrary, the husband had been guilty of cruel treatment; and if the wife, (under all the circumstances that have /[420] been detailed to you as to what occurred on that day and before that day, and considering the



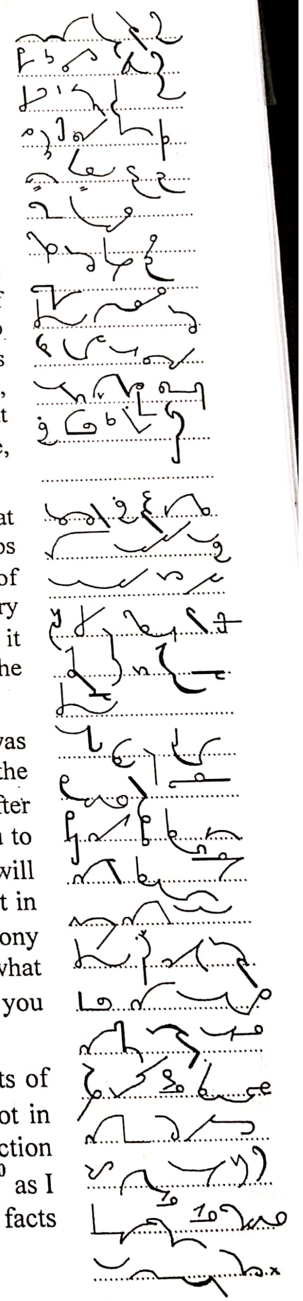
conduct of the husband immediately after that day, as possibly throwing a /450 side light on what happened on that day) was justified in leaving him because of his cruel treatment; then there was no desertion on her part at that time.

As /480 the issue is drawn and as you are to decide that as being the time of the desertion, unless there was a desertion on her part at that time, Mr. /510 Johnson, the plaintiff, would have no right to a verdict in this case. If there was a desertion at that time, willful and malicious and without reasonable cause, which was /540 persisted in for two years continuously thereafter, then he would have a right to a verdict at your hands in this case. There was a great deal of testimony, covering /570 a long series of years since that time, but that is all of value only in the same way, to enable you to decide the main issue. That is, was /600 the libellant's conduct from that time on, as you can draw it from the testimony, consistent with the allegations in this case, viz.: the belief on his part that there /630 had been a willful and malicious desertion on the part of his wife, or was it not consistent with that belief?

If it seems to be consistent with that belief, /660 it helps you to look at the case in one way; if it seems to be inconsistent with that belief, it helps you to look at the case in another /690 way. I am not going to review all of the testimony in the case, for the reason that I do not think it is necessary to do so. The case /720 was presented to you ably by trained counsel, and it has been argued to you, and they have given you their view of the testimony.

In addition to that you /750 listened to it very attentively. It was repeated in its main points by several witnesses on both sides, and the cross examination brought out the view of the other side /780 as to it. After all is said and done, you are the judges of the testimony. It is for you to say whom you will believe; it is not for /810 me to say whom you will believe. It is for you to say just exactly how much belief you will put in any testimony that is given to you, and /840 how much of the testimony you will put aside as not worthy of your belief. It is for you to say what deductions you will make from the testimony and /870 what inferences you will draw from it.

I may be obliged, in the course of this charge, to refer to points of the testimony, but if I say anything as /900 to the facts which is not in accordance with your recollection, you will take your own recollection and not mine. I want to leave the facts entirely with you, because, /930 as I say, they are for you to decide. You take the law from me and the facts from the witnesses in making up your mind. (956 words)

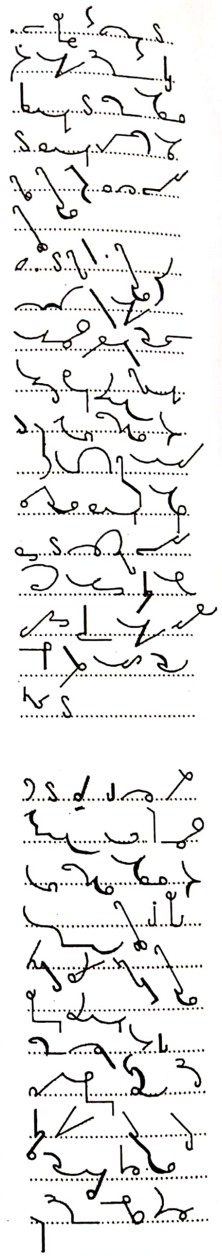


JURY CHARGE (PASSAGE – 6)

NSRA SPEED CONTEST (1911)

(Marked at every 30 words to enable to write the passage at different speeds)

The court instructs you that the mere fact that the plaintiff received a fatal injury while working for the defendant does not entitle the plaintiff to recover a verdict in /30 this case. The plaintiff is not entitled to recover a verdict unless she proves by a preponderance of the evidence, and by that is meant a greater weight of the /60 evidence, the following propositions:



First: The plaintiff must prove by a preponderance of the evidence that she was at the time and immediately before she received the injury, in /90 the exercise of reasonable and ordinary care for her own safety, and that she could not have prevented the injury to herself by the exercise of such reasonable and ordinary /120 care. If she could have prevented said injury, then she was bound to do so; and if you find from the evidence that she failed to do so, and such /150 failure contributed in any way to the happenings of the injury, the plaintiff is not entitled to recover in this suit.

Second: The plaintiff must also prove by the greater /180 weight of the evidence that the top of the machine in question was in a dangerous and unsafe condition as charged in some one count of the declaration, and that /210 the injury was caused by such dangerous and unsafe condition, and was not caused by any want of ordinary care on the part of the plaintiff.

Third: The plaintiff must /240 also prove by the greater weight of the evidence that Jones did not himself know of such unsafe and dangerous condition, and that he could not have known of it /270 by the exercise of reasonable care. If you find from the evidence in this case that the plaintiff has failed to prove by the greater weight of the evidence all /300 or any of the foregoing propositions contained in this instruction, which you have been instructed she is required to prove by the preponderance of the evidence, then you are instructed /330 that she is not entitled to recover in this suit and your verdict must be for the defendant.

You are instructed that there is no duty upon an employer to /360 warn and instruct an employee as to dangers which are open, obvious and patent to persons of ordinary intelligence, and one who attempts to do work which exposes him to /390 obvious and known dangers, assumes the

risk of such dangers. If you believe from the evidence that the condition of the machine in question was open and obvious to the /[420] plaintiff then you are instructed that it was not the duty of the defendant to instruct him that such condition was dangerous; and if you further believe that the plaintiff /[450] was injured as the result of such open and obvious condition, then the plaintiff cannot recover and your verdict must be for the defendant.

You are instructed that the plaintiff /[480] has alleged in this case that Jones sustained fatal injuries by reason of the fact that the defendant negligently allowed a certain machine to remain open and uncovered, and allowed /[510] the planks and surroundings to be greasy, slippery and not sufficiently lighted.

You are instructed that before the plaintiff can recover, he must prove by the greater weight of the /[540] evidence:

First: That, at the time of the accident, the place in question was not a reasonably safe place to do the work being performed by the plaintiff;

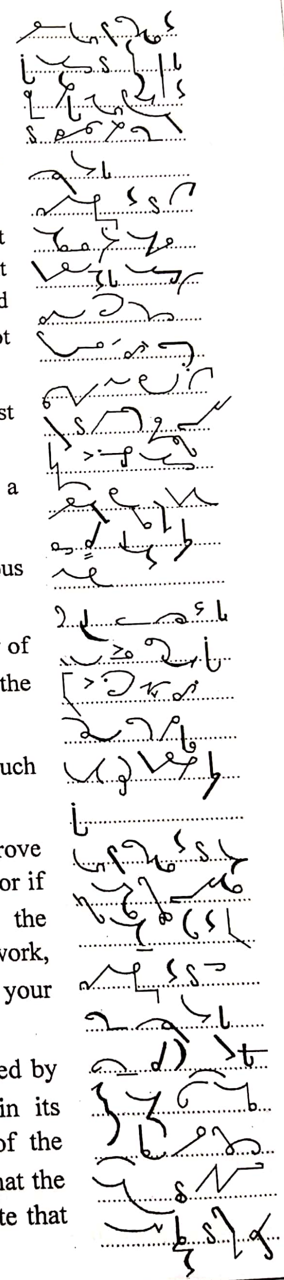
Second: That /[570] Jones did not know that the conditions were dangerous and unsafe;

Third: That Jones did not have equal means with the defendant to know of the facts concerning the condition /[600] of the top of the machine and the light surrounding it, and of the dangers arising from such conditions;

Fourth: That the injury to Jones was sustained by reason of /[630] such dangerous conditions.

If you believe from the evidence that the plaintiff has failed to prove any of these four propositions by the greater weight of the evidence, or if /[660] you find that his injury was sustained by any other fact than that the top of the machine was not a reasonably safe place upon which to work, then you /[690] are instructed that the plaintiff cannot recover and your verdict must be for the defendant.

You are instructed that the mere fact that Jones was employed by the defendant company, /[720] and that he was injured while in its employment does not in law raise any presumption in favor of the plaintiff's right to recover in this case. Neither does the /[750] fact that the plaintiff has brought the suit, which has been tried before, indicate that the plaintiff has any right to recover. (772 words)



JURY CHARGE (PASSAGE – 7)

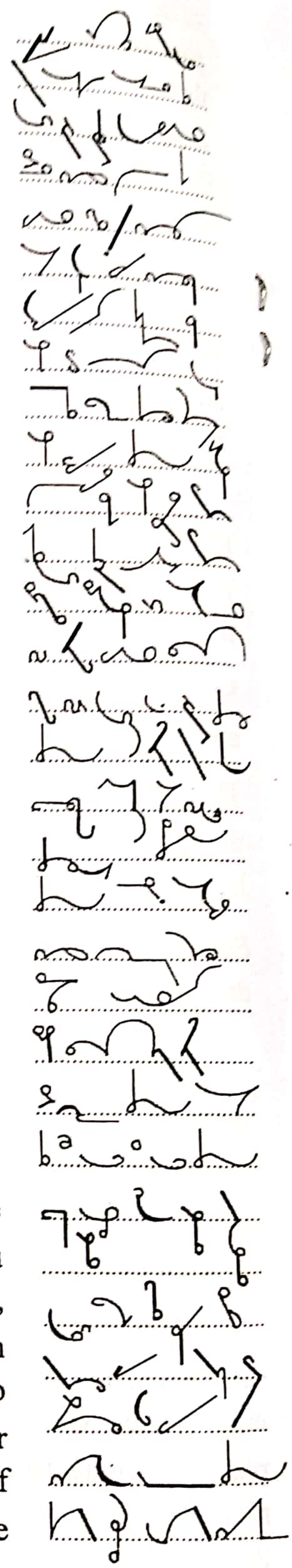
NSRA SPEED CONTEST (1912)

(Marked at every 30 words to enable to write the passage at different speeds)

Gentlemen of the Jury: I will say to you on the subject of the evidence before going into the law in the case, that it is for you to believe /30 or disbelieve the various witnesses as to the facts. You must look at the witnesses, you must look at their opportunities for judging, you must look at the way in /60 which they told their story, and you must consider whether they were really recollecting what occurred at the time or not, and you must likewise consider their interest. The plaintiff /90 has a very material interest in this case. If he gets a verdict it means so much money in his pocket, and interest very often colors our views when we /120 come to give testimony. On the other side, you will likewise consider the interest of the driver of the cab, as he has been blamed for doing something, and it /150 is for you to say whether it would be to his interest to shift the blame.

As to numbers, as I have said to you in other cases, where you /180 have a larger number of witnesses against a smaller number of witnesses, you have the power, if you see fit, to believe the smaller number and dismiss the testimony of /210 the larger number, but before doing that you should give the matter careful consideration and not do so until you have found a satisfactory reason for dismissing the testimony of /240 the larger number and accepting that of the smaller number. In other words, you must make up your mind in the case and see on which side the scales fall, /270 not necessarily saying the truth lies on the side of the larger number. As I said, if you feel that the story of the smaller number is the true one, /300 you have the power to dismiss that of the larger number. However, I leave that entirely to you.

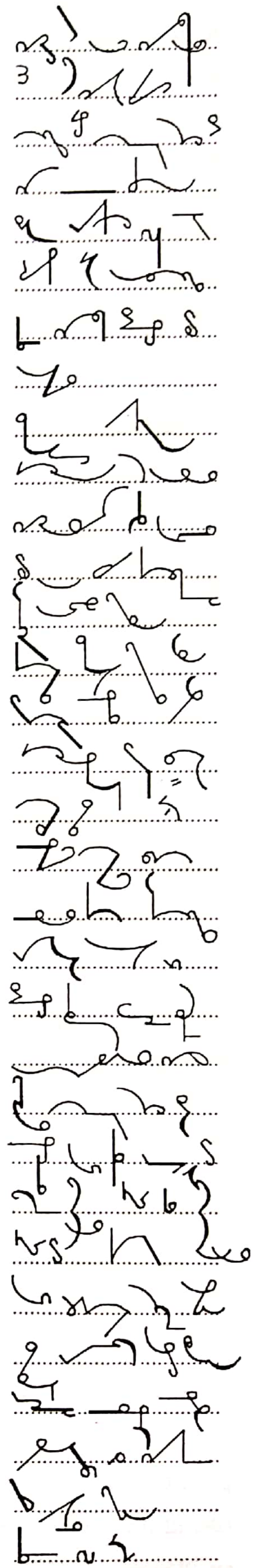
As to the medical testimony, it is of a different quality entirely. /330 It is what is known as opinion testimony. Very often medical testimony is of great aid in a case; very often it is of no assistance whatever. Where you have /360 two sides in a case you have doctors on both sides. If you have seven sides to a case, you would probably find doctors on all sides, and you would /390 probably have different views from the doctors on each side. However, doctors are supposed to be men who are better able to judge of such matters than we are. You /420 will have to give their testimony full consideration and make up your mind whether it will be of any assistance to you. If it will be of any assistance, you /450 are to take



the opinion of the doctors. You are not bound by the opinion of any doctor in the case. You are to consider their opinions for what you /480 think they are worth, and say which one is worth the most to you and which one the least, and say how they impressed you on the stand, and make /510 up your mind as to the weight you will give their testimony. As I have already mentioned, you have had a couple of doctors on one side and three doctors /540 on the other. In some particulars they agreed and in others they disagreed. You will consider their testimony and make up your mind as to where the truth lies as /570 to the extent of the plaintiff's injuries.

In considering the question of his injuries you have a right to bring your knowledge of human nature into play your common sense. You are /600 not necessarily to be dazzled by large figures and the plaintiff's own story of the injury and the effect of the injury. It may strike you that it would be /630 in accordance with human nature for a person claiming damages to put his side of the story of the injury as strongly as possible. Perhaps that is not a blamable /660 thing because it is a natural thing to do. It may strike you that it is natural to do that. If you think that such a natural human instinct has /690 played a part in this case and that Mr. Smith imagines he is very much worse hurt than he really is, or if you think there is any exaggeration of /720 his injuries, you have the right to discount the extent of the exaggeration or imagination as you may, in the use of your good sense, think proper. However, it may /750 be that it impresses you the other way and you believe that the injuries are just as he detailed them. I leave that entirely to you.

As to the accident, /780 it is a clear question of fact. Did it occur as the plaintiff says it occurred and as his numerous witnesses say it occurred, or did it occur as /810 the drivers say it occurred? You must make up your mind as to that. If you believe it occurred as the plaintiff says it occurred, then you must make up /840 your mind as to the extent of the damages. If you decide to give the plaintiff a verdict, if you think there was negligence on the part of the defendant's /870 driver and that there was no negligence on the part of the plaintiff, it will be for you to say how much your verdict will be. In such an event, /900 he is entitled to recover for his pain and suffering, to start with. I cannot give you any exact standard as to that, except to say that reasonable compensation is /930 the standard you are to take, based on the real facts as proven to exist. You have heard the plaintiffs description of his pain and suffering and you have heard /960 the



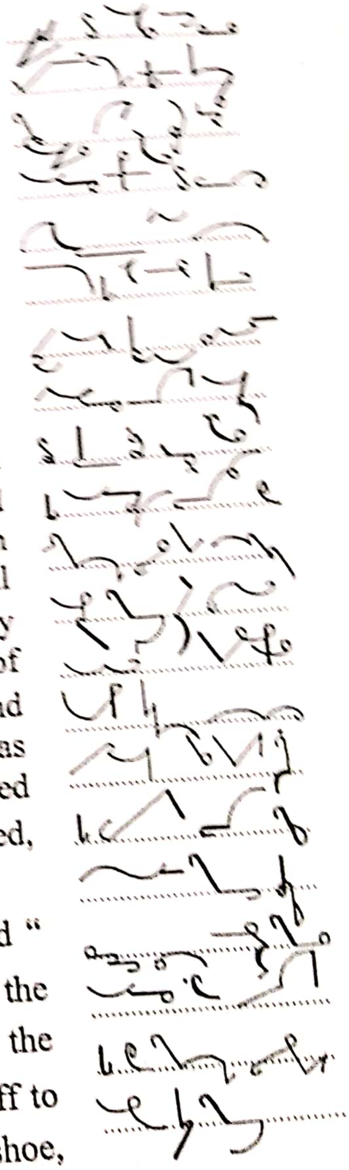
doctor's testimony on each side, and, if you find for the plaintiff, you are to make up your mind as to what the pain and suffering and injuries were and /990 give him a verdict that you believe will be reasonable compensation. In addition to that, he would be entitled to recover for the actual expenses that he has been put /1020 to and which you think he will be put to due to the accident medical expenses and otherwise directly attributable to the accident. He would also be entitled to recover /1050 any losses that he has been obliged to suffer in the way of extra help that he has been compelled to employ in his business. (1075 words)



JURY CHARGE (PASSAGE – S)

NSRA SPEED CONTEST (1913)

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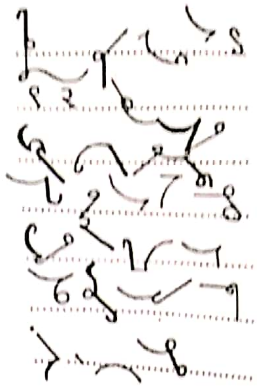
Gentlemen of the Jury: The plaintiff in this action seeks to recover from the defendant company damages for personal injuries which are alleged to have been sustained on account of /30 the negligence of said company.

The plaintiff claims that about eleven o'clock on the night of August 14, 1911, he was motoring a car of the defendant, and that because /60 of defective brakes on the car, which would not take hold of the wheels, he was unable to stop or hold the car when descending a certain grade, and in /90 consequence thereof his car collided with another car and he was injured.

The plaintiff's declaration consists of two counts, one of which avers that the said defendant negligently and /120 carelessly suffered and permitted the said plaintiff to use and operate a certain car with an improper, unsuitable and dangerous brake-shoe, all of which was well known to the said /150 defendant but unknown to the said plaintiff, and by reason of the said negligence of the said defendant in permitting the use of said car with the defective brake-shoe as /180 aforesaid at the time and place aforesaid, the said car on which the said plaintiff was a motorman as aforesaid ran into and collided with another car operated and controlled /210 by the said defendant, whereby the said plaintiff was greatly bruised, cut, mangled, broken, injured and distressed.

The second count is similar to the first, except that the word " brakes" /240 is used in the second count instead of " brake-shoe" in the first count. So that the negligence averred, and relied upon, by the plaintiff is, that the defendant suffered and /270 permitted the plaintiff to use and operate the car with a defective, unsafe and dangerous brake-shoe, or brakes.

doctor's testimony on each side, and, if you find for the plaintiff, you are to make up your mind as to what the pain and suffering and injuries were and /[990] give him a verdict that you believe will be reasonable compensation. In addition to that, he would be entitled to recover for the actual expenses that he has been put /[1020] to and which you think he will be put to due to the accident medical expenses and otherwise directly attributable to the accident. He would also be entitled to recover /[1050] any losses that he has been obliged to suffer in the way of extra help that he has been compelled to employ in his business. (1075 words)



JURY CHARGE (PASSAGE – 8)

NSRA SPEED CONTEST (1913)

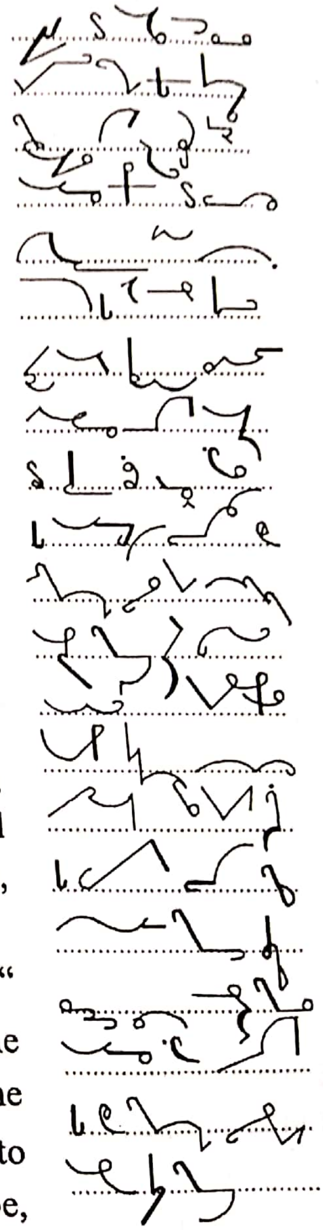
(Marked at every 30 words to enable to write the passage at different speeds)

Gentlemen of the Jury: The plaintiff in this action seeks to recover from the defendant company damages for personal injuries which are alleged to have been sustained on account of /[30] the negligence of said company.

The plaintiff claims that about eleven o'clock on the night of August 14, 1911, he was motoring a car of the defendant, and that because /[60] of defective brakes on the car, which would not take hold of the wheels, he was unable to stop or hold the car when descending a certain grade, and in /[90] consequence thereof his car collided with another car and he was injured.

The plaintiff's declaration consists of two counts, one of which avers that the said defendant negligently and /[120] carelessly suffered and permitted the said plaintiff to use and operate a certain car with an improper, unsuitable and dangerous brake-shoe, all of which was well known to the said /[150] defendant but unknown to the said plaintiff, and by reason of the said negligence of the said defendant in permitting the use of said car with the defective brake-shoe as /[180] aforesaid at the time and place aforesaid, the said car on which the said plaintiff was a motorman as aforesaid ran into and collided with another car operated and controlled /[210] by the said defendant, whereby the said plaintiff was greatly bruised, cut, mangled, broken, injured and distressed.

The second count is similar to the first, except that the word " brakes" /[240] is used in the second count instead of " brake-shoe" in the first count. So that the negligence averred, and relied upon, by the plaintiff is, that the defendant suffered and /[270] permitted the plaintiff to use and operate the car with a defective, unsafe and dangerous brake-shoe, or brakes.

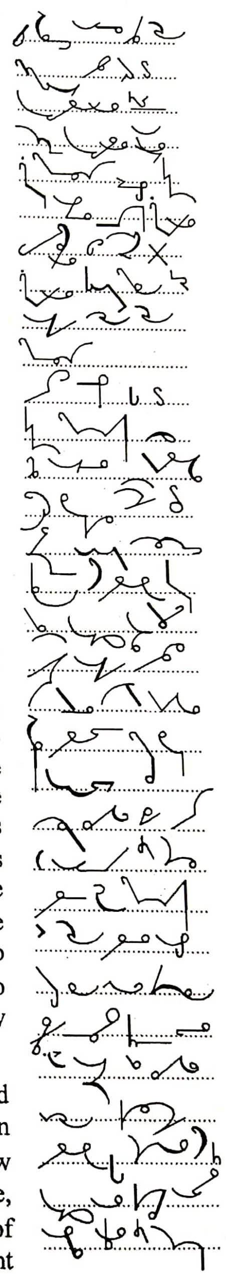


The gist of this action is negligence, which is the want of /[300] ordinary care, and the burden of proving the negligence of the defendant rests upon the plaintiff. If there was no negligence on the part of the company, your verdict should /[330] be for the defendant. Even if there was negligence on the part of the defendant, yet if the negligence of the plaintiff contributed proximately to the accident at the /[360] time thereof, the plaintiff cannot recover. In such case the plaintiff would himself be guilty of contributory negligence, and where there is such negligence the law will not attempt to /[390] measure the proportion of blame or negligence to be attributed to each party.

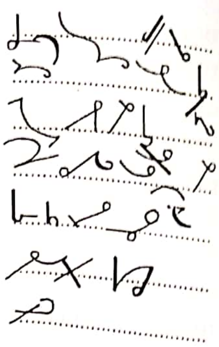
Contributory negligence has been defined to be the negligence of the plaintiff, or of the person on /[420] account of whose injury the action is brought, amounting to a want of ordinary care, and approximately contributing to the injury.

The relation existing between the defendant and the plaintiff /[450] at the time of the accident was that of master and servant, and the primary duty imposed upon the defendant towards the plaintiff in the course of his employment by /[480] reason of this relation was to furnish him reasonably safe tools, machinery and appliances with which to work. The tools or machinery used need not be of the safest, best, /[510] nor of the most improved kind. It is sufficient if they are reasonably safe, and adapted to the purpose of the employment. If the master fails to observe this rule /[540] of law, and injury results to his servant from such failure, he becomes liable therefor on the ground of negligence. In the performance of this duty the master must use /[570] all reasonable care and prudence for the safety of the servant, having regard to the character of the work to be performed. Such care must be in proportion to the /[600] danger of the employment. The servant has the right to rely on the master for the performance of this duty without inquiry on his part. The servant assumes no risk /[630] whatever as to such primary duty at the time he enters upon his employment; but he does assume all the ordinary risks incident to the employment; such as are patent, /[660] seen and known, or which may be seen and known by the ordinary use of his senses. And he is required to exercise due care and caution in the course /[690] of his employment to avoid dangers and injuries; for the master, having performed the primary duties required of him, is not an insurer of the safety of his servants.

It /[720] is the duty of the master also to maintain said tools and machinery in a reasonably safe condition so long as they are continued in use. If the master knows, /[750] or by the use of due diligence might know that the tools and machinery in use in his business are not reasonably safe, it is negligence on his part to /[780] fail to remedy and correct the defects of which he has knowledge, or by the exercise of due diligence he might



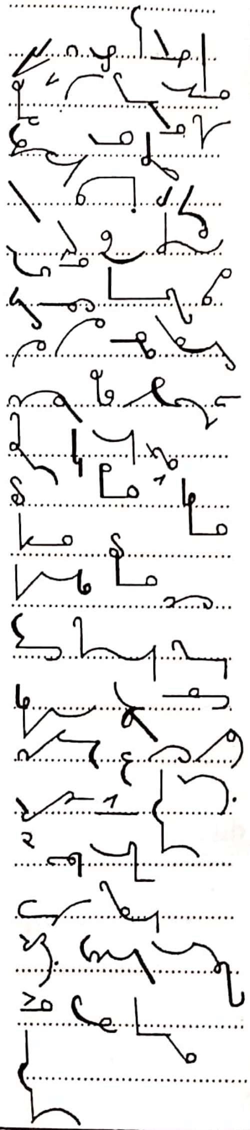
discover. Notice to the foreman or person in general /810 charge of the business, or having charge and control of the men and the cars, that the machinery is unsafe and dangerous, is, in law, notice to the master; and /840 after the receipt of such notice it would be negligence on the part of the master to fail to make such machinery reasonably safe for the servant in his employment. /870 But in such case the master would not be liable if the servant having knowledge of such defect continued to use such machinery. The servant must always exercise such care /900 and caution to avoid danger as the circumstances reasonably require, and the greater the danger the greater the care, diligence and caution required. (923 words)



JURY CHARGE (PASSAGE – 9)

NSRA SPEED CONTEST (1920)

(Marked at every 30 words to enable to write the passage at different speeds)



Gentlemen of the jury: You understand that it becomes the duty of the Court to instruct you on the law applicable to the facts in the case. That is the /30 manner in which all cases are disposed of where a trial is had before a court and a jury. The object of selecting you gentlemen as jurors is to have /60 you pass upon the facts, the facts consisting of the testimony of the witnesses who have been sworn and examined in your presence, together, of course, with any documentary proof /90 that may have been offered, such as was offered in this case, the lease and letters and other exhibits; but in passing upon these facts you must be guided by /120 the instructions that you receive from the Court on the law. Now, I mention that to you particularly because of what transpired during this trial. The trial is really divided /150 into two parts. There is what we call the plaintiffs' side of the case and the defendants' side. Now, at the close of the plaintiffs' side of the case the /180 attorney for the defendants moved to dismiss the complaint. That motion being granted would mean that the action would then and there terminate. That motion was made, predicted upon the /210 theory advanced by the defendants' attorney that the plaintiffs had failed to establish a cause of action. Now, you recall that when that motion was made prior to recess, quite /240 a discussion was had between the Court and counsel at that time, and that, I may say, was due to what the Court considered was a difficult and intricate question /270 of law which presented itself.

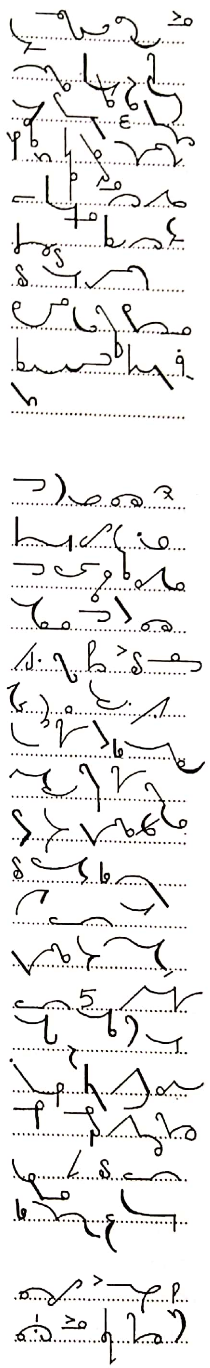
I want to say to you this, that you should not be influenced in your consideration of the facts by any conversation that took place /300 at that

time. If the Court during that discussion gave an expression of opinion concerning any of the facts in this case, and you allowed that to impress itself upon /[330] you, you would be doing the parties to this controversy an injustice, because you can readily see how applicable that is when you bear in mind what I said to /[360] you at the outset, that you had to pass upon the facts, but take your law from the Court.

At that time the Court denied counsel's motion and refused to /[390] dismiss the complaint. That does not mean that the Court is of the opinion that the plaintiffs are entitled to recover. That simply means that the Court is of the /[420] opinion that sufficient facts have been produced to warrant the submission of the case to the jury. It is not any indication that the plaintiffs are entitled to recover, and /[450] it should not be so construed by you.

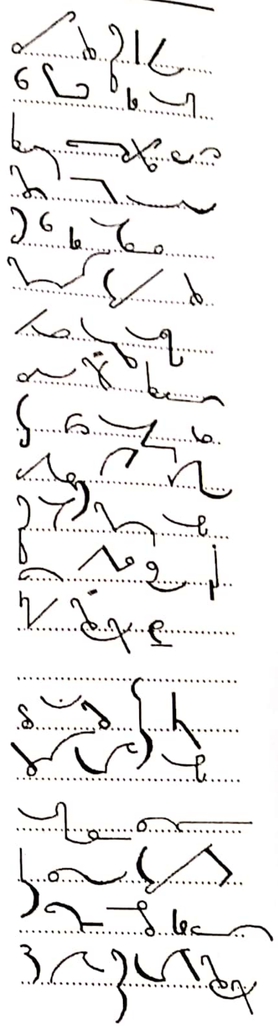
This action was commenced by a summons, and the amount demanded in the summons was $1,000. You see, if a party commences /[480] an action in our Court, he has a right to commence the action by the service of a summons, or he can commence the action by the service of a /[510] summons and complaint. In this case the action was commenced by the service of the summons, which contained a brief statement of the plaintiffs' cause of action; and then the /[540] issue is finally reached for trial by the defendants' interposing an answer, and in that manner the case is brought on to trial. But previous to the action being reached /[570] for trial, the plaintiffs were obliged to file what we call a bill of particulars. That is required of the plaintiffs in order that the defendants may be advised in /[600] detail of the plaintiffs' alleged claim. In the bill of particulars filed in this case among other things the plaintiffs claimed the sum of $500, that being the amount of /[630] the January rent, the January rental being one-tenth of $5,000. The plaintiffs claim in addition to that that they are entitled to be compensated for the moving of what they /[660] call this debris or rubbish, and that they are entitled to certain sums of money which they caused to be expended in making repairs to the premises, and to the /[690] value of a fuse box which the plaintiffs claim the defendants removed from the premises when they vacated them.

Now, as some one of the counsel stated to you in /[720] his summation of the facts, it is true the defendants were obliged under the terms of their



lease to surrender possession of those premises on the 31st day of January. /750 That is an obligation that the defendants entered into. It is not your duty nor the duty of the Court to enter into an agreement between parties. Parties who are /780 of full age and sound mind are presumed to be capable of entering into their own obligations, and that is what the defendants did in this case. The defendants entered /810 into an obligation to vacate those premises on the 31st day of January. Primarily, they were let into possession of the premises under a lease which commenced February 1st, 1919, /840 in consideration of the payment of a certain sum of money per month as rent, and they were obliged to surrender up possession of the premises. It is not claimed /870 that they did not. That element, however, has been interjected into this case, and the evidence with reference to their alleged holding over or not surrendering the premises on the /900 31st was only permitted because of the claim that, instead of material that Mr. Roberts removed consisting of rubbish, as contended by the plaintiffs, on the contrary it was valuable /930 personal property. Now, is that a fact?

The plaintiffs claim that it was an encumbrance, that it was debris, that it was rubbish, and that it was of absolutely no /960 value, and instead of having any intrinsic value of some character, they said on the contrary it was something which they were obliged to remove at a very great expense. /990 The defendants claim, on the contrary, that what was left there was valuable personal property. (1015 words).



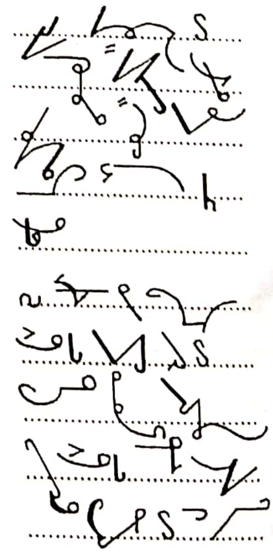
JURY CHARGE (PASSAGE – 10)

NSRA SPEED CONTEST (1921)

(Marked at every 30 words to enable to write the passage at different speeds)

Gentlemen of the Jury: James Smith, the plaintiff in this case, brought this action of trespass against George Brown for the purpose of recovering damages which he alleges he sustained /30 on May 31, 1915, by reason of a collision with the car of the defendant, due to the defendant's negligence.

You have heard the counsel speak frequently of the negligence /60 of the defendant. The burden is upon the plaintiff in this case, as in all cases of this character, to satisfy you by the weight of the testimony, or the /90 preponderance of the evidence, of the negligence of the defendant that caused the injury; otherwise the plaintiff cannot recover. The mere fact



the result of the defendant's negligence.

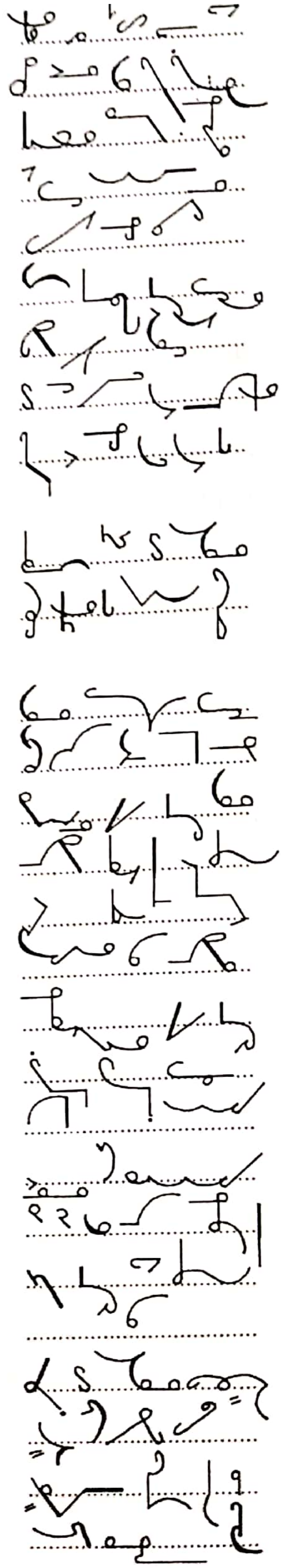
Negligence is the want of /150 care, according to the circumstances of the case. This is probably as comprehensive a definition of negligence as can be given, because it applies to all cases; and the question /180 of negligence in any given case depends upon the circumstances existing at the time the place where the accident happened, and everything that may be taken into consideration, in determining /210 the question of negligence.

There is another well-established rule in cases of this kind, and that is that the plaintiff cannot recover if the guilty of negligence that contributed to /240 the accident, even if the defendant is also guilty of negligence.

It is claimed on the part of the plaintiff in this case that the injuries that he sustained were /270 due to the negligence of the defendant in the operating of his car on the evening of the 31st day of May, 1915.

This case is so clearly a question /300 of fact that there is little that the Court can do, except to submit the facts to the jury and have them determine what those facts actually establish. It is /330 not the duty of the Court to take up the testimony of each and every witness and undertake to say to /360 a jury what that witness has testified to, and to undertake to convey to the jury any idea of what the testimony, as a whole, actually establishes in the case, /390 because it is not the province of the Court to do that; it is the province of the jury to determine complicated and conflicting questions of fact, and it is /420 the duty of the Court to give the jury the law of the case. Therefore, if I allude in any way to the facts of the case, what I say /450 is not in any way to control you as to what the evidence actually is, because it is your duty to remember everything that every witness said in the case /480 and to determine the case according to the testimony as a whole.

Generally speaking, the plaintiff in this case, Mr. Smith, and Mr. Field and their respective wives arrived in /510 the city of Pittsburgh that evening, between five and six o'clock. Stopping for a short time at the Pittsburgh Club on Eighth Street, they left that club in the neighborhood /540 of half past six o'clock in the evening. Mr. Field was the driver of the

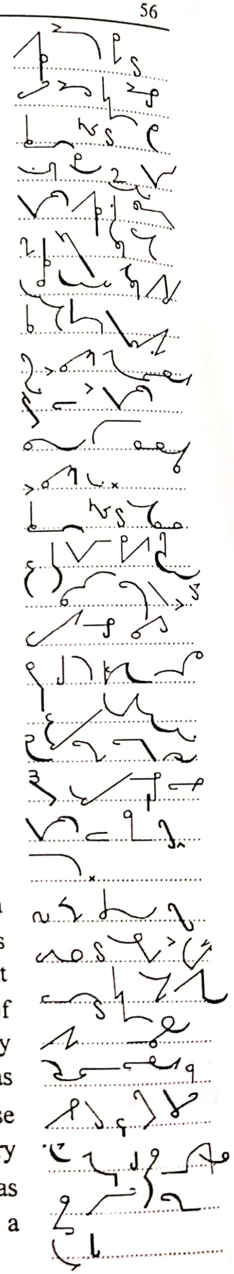


car and on the left of Mr. Field was Mrs. Smith. Directly behind Mr. Field /570 and on the right side of the car sat the plaintiff in this case, Mr. Smith, and on the left sat Mrs. Field, the wife of the man who was /600 driving the car. The top of the car was down at the time of the accident.

It is claimed on the part of the plaintiff that their car, just as /630 they entered it, was standing something like 200 feet below the Boulevard and on the right side of Eighth Street as you come up toward the Boulevard, at a distance /660 of probably 250 or 300 feet north of Fifth Avenue, and that street is something like 30 feet wide in the roadway. It is admitted that the grade of Eighth /690 Street, before you reach the Boulevard, is three feet to the hundred, and after crossing the Boulevard the grade of Eighth Street as it continues north, is seven feet to /720 the hundred. I believe the grade of the Boulevard to the right, or east, of Eighth Street is something like six inches to the hundred feet.

It is claimed on /750 the part of the plaintiff in this case and his witness, that when they entered the car where it was parked, and started on their way, they were traveling slowly /780 from there up to the point where the accident happened, and I believe the plaintiff in this case and Mr. Field placed the speed at something like ten or twelve miles /810 an hour. They likewise claim that when they were traveling north on Eighth Street, they were on the right side of Eighth Street, four or five feet, whatever it was, /840 from the curb, and that they maintained that distance from what would be the curb of Eighth Street if it were extended across the Boulevard, up until the time when /870 their car was struck by the Brown car.

You have heard the testimony of the plaintiff and Mr. Field upon that question; you have heard the testimony of a number /900 of witnesses called by the plaintiff in support of the theory or claim of the plaintiff that at the time the car in which the plaintiff was riding reached the /930 point of the accident, the driver of that car was exercising reasonable and ordinary care in crossing that street, which it was his duty, of course, to do. It was /960 the duty of and the obligation rested upon, the plaintiff in this case when he approached that crossing, to observe reasonable and ordinary care to avoid an accident on that /990 street, and if he did not, and he was guilty of negligence that contributed to the accident, he cannot recover a verdict, even if defendant was also guilty of negligence. (1020 words)



JURY CHARGE (PASSAGE – 11) HANDICAP CONTEST (1920)

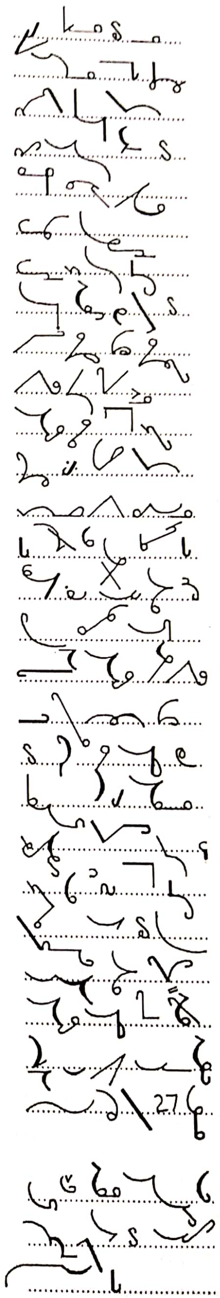
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Gentlemen of the Jury: At the close of plaintiff's case, and again at the close of the entire case, counsel for the defendant move to dismiss the complaint. Both those /[30] motions you will remember were denied by me. From the denial of those motions you are not to infer that the Court is of the opinion that the plaintiff should /[60] succeed. Those are simply rulings on questions of law, to the effect that if there is a question of fact involved in any case, it is the Court's duty to /[90] submit that question of fact to you for your determination.

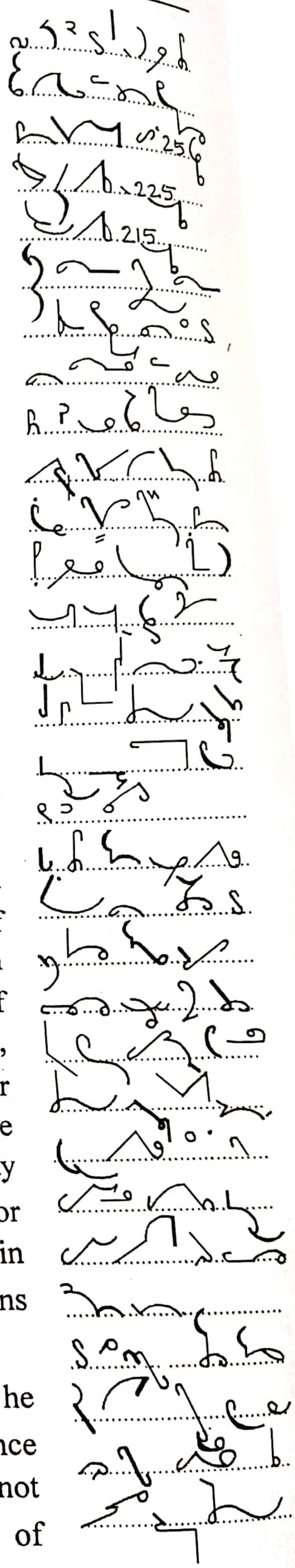
The law affecting a case of this kind is that, before the plaintiff can recover, he must establish to your /[120] satisfaction four elements: He must prove to you that representations were made which were contrary to the facts. In other words, he has got to prove that this defendant, either /[150] through himself or through some agent authorized by him to make the statement, represented certain facts to be true. Second, he has got to prove that the defendant, or the /[180] party making the representations that is, if such party made them on behalf of the defendant, with his knowledge and consent knew that said representations were false and were not /[210] the fact. Third, he has got to prove the further fact that, as a result of these representations they entered into an agreement; in other words, that such representations gave /[240] rise to the agreement that was entered into. And fourth, which is perhaps the most important element in the case, that the plaintiff relied upon the representations, and that, relying /[270] thereon, he was induced to enter into the agreement and suffered damage thereby.

It is not for you gentlemen in this case to say whether this plaintiff made a good /[300] bargain with the defendant or a poor one, when he entered into the agreement to purchase these premises. What you have got to determine, before you can find in the /[330] plaintiff's favor, is that these representations were made; that the defendant or his agent made these representations knowing them to be false, and that the plaintiff, Berlin, bought these premises /[360] because of said representations. In other words, that what induced him to enter into the contract for the purchase of this property was the fact that it was owned by /[390] a rich uncle of this defendant, who had bought it many years before for $27,000, and that he had given it to this defendant.

If you find all of those /[420] facts in favor of the plaintiff, then your verdict should be for the plaintiff. If you find any one of them lacking, your verdict should be for the defendant.



You /450 have heard what the plaintiff had to say. He tells you that this man, Levine, called to see him several times and told him that he had a bargain, and /480 that this house belonged to a rich uncle of the defendant. That there was some talk about wanting $25,000 for the property, which was reduced to $22,500 and that then /510 the price was finally reduced to $21,750. He tells you that there was a mortgage of some $15,000 on the property, and that there was to be a second mortgage /540 given, which was to be a purchase money mortgage. His wife was called, and she testified substantially the same as the plaintiff.



Mr. Marks was called as a witness and /570 told you what he knows of this transaction. Mr. Marks is a reputable attorney, a member of our Bar. He tells you that he had a conversation with Mr. Berlin /600 prior to entering into the contract, and he told him not to enter into this contract, without stating any reasons. He tells you, further, that after some delay the contract /630 was entered into, and that this plaintiff called to see him shortly after the contract was signed, and told him at that time that he did not want to take /660 title, mentioning several reasons, but not the fact that he had been told that this property belonged to a rich uncle of the defendant. That testimony is to be considered /690 by you, in determining whether or not the plaintiff has given you the correct version as to what happened.

The defendant tells you that he made no such representations, and /720 he called the janitor, Mr. Handelsman, who tells you that the plaintiff called there some two or three times; that he remembers him once in particular being there between Christmas /750 of 1918 and New Year's of 1919, and that he showed the plaintiff through the building at that time, from the basement to the top floor, and that he saw /780 him there on one or two other occasions. That testimony is also important and should be considered by you; because even if representations are made, and the party to whom /810 the representations are made has an opportunity to see for himself whether or not the facts are as stated, it will help you in determining as to whether or not /840 he relied upon the representations which he claims were made to him.

The plaintiff has the burden of proof. By that it is meant that he must establish his case /870 substantially as alleged by a fair preponderance of the evidence. By a fair preponderance of the evidence, however, is not meant the number of witnesses. It has reference to quality /902 of testimony.

JUDGMENT (PASSAGE – 12)

Text of Judgment of a High Court

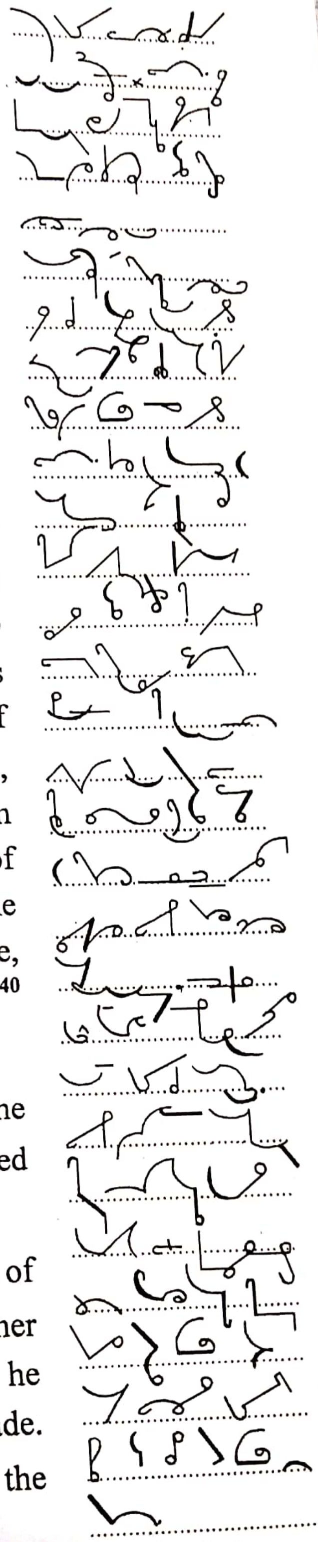
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Order: Petitioner claims to be the General Secretary of Indian Young Workers Council. According to him, he is taking up social activities and highlighted various irregularities. It is also stated /[30] that he is the President of Municipal Corporation Employees Union of Andhra University and Priyadarshini Employees Union, Andhra University. He contends that Andhra University is without Vice-Chancellors from August, /[60] 2007 onwards, and the In-charge Vice Chancellor and in particular, the 5th respondent herein, have been taking major decisions contrary to the provisions of law. He made /[90] specific allegations against the 5th respondent.

According to him, attempts were made by respondents No.5, 6 and 7 to fill the vacancies without any notification and the notice displayed on /[120] 7th January, 2013, are contrary to law. He alleged that the 5th respondent has taken all his retirement benefits, but is delaying the same to others. One serious /[150] allegation against the 5th respondent is that he is trying to reinstate a corrupt Professor, by name Murthy, with the help of the Standing Counsel of the University, by name /[180] Dr. Vinay Kumar, though a writ appeal is pending before this Court. He alleged that the 5th respondent has transferred as many as 300 Colleges without permission of the /[210] Executive Council and the same has resulted in huge loss to the University. The appointments made in the Women's Engineering College, Economics Department are also found fault with. Extensive reference /[240] is made to non-functioning of the Executive Council.

In effect, the petitioner contends that the entire functioning of the University from 2007 onwards is illegal, untenable and he /[270] attributed mala fides to various officials.

On 4th February, 2013, this Court took serious exception to some of the averments in the affidavit and directed appearance of the /[300] petitioner as to whether he stands by those allegations. On 6th February, 2013, he filed another affidavit, in which more serious allegations are made. Today, the petitioner appeared /[330] and states that he stands by the allegations made by him.



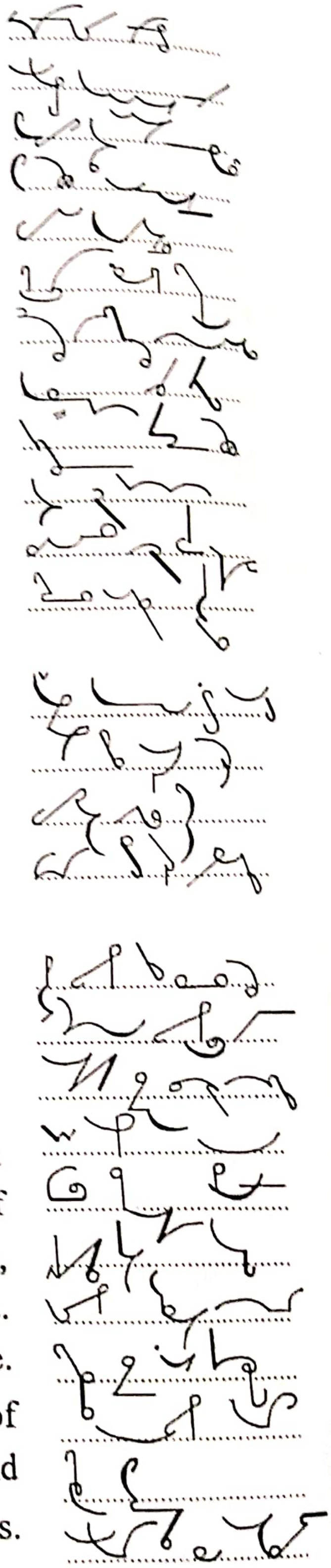
Heard the learned counsel for the petitioner and the learned counsel for the respondents.

An unfortunate situation prevails in /[360] the State, if not in the Country. Every one feels free not only to express views, but also impose them on other organisations including the Government whether or not they /[390] have got anything to do with them or have verified the facts from correct sources. The petitioner claims to be a Trade Union leader. One expects him to concentrate on /[420] the matters pertaining to workers and labourers and in a given case, he may get relief to many individuals. Visakhapatnam is a place, which has the largest work force in /[450] large number of public and private sector gigantic organisations.

The field of activity for any Trade Union leader would be optimum and in certain cases, not only an individual but /[480] also an organisation may not be adequate to deal with a particular class of work force, not to speak of the entire work force, at that place.

The post of /[510] Vice Chancellor became vacant on completion of the term of the incumbent in November, 2011. Though steps were initiated in the right earnest, one after the other, writ /[540] petitions came to be filed and there was some delay in appointment of the Vice Chancellor. Ultimately, a Vice Chancellor has been appointed in the recent past.

The petitioner, however, /[570] stated that the University is without Vice Chancellor for the past six years. Assuming that his interest is only to ensure that the University functions with a regular and not /[600] an in-charge Vice Chancellor, he could have simply impressed upon the Court about the necessity and left the matter at that. However, the nature of allegations made against the acting /[630] Vice Chancellor and other officials, and strangely enough, even the Standing Counsel, is indeed outrageous. In his additional affidavit, the petitioner stated that he is only a matriculate. However, he /[660] proceeds as though he can command the administration of the entire University, be it in the context of appointment of Professors and other teaching staff or affiliation or transfer of /[690] other colleges. Unfortunately, the petitioner is not alone in this regard. (701 words)



JUDGMENT (PASSAGE – 13)

Text of Judgment of a High Court

(Marked at every 30 words to enable to write the passage at different speeds)

The revenue is in an appeal against an order of the Income Tax Appellate Tribunal under Section 260A of the Income Tax Act, 1961. The assessment year /30 to which the appeal relates is Assessment Year 2009-10. The Tribunal has allowed the appeal filed by the assessee on the ground that the basis for issuing /60 a notice under Section 148 for reopening the assessment has not been fulfilled since the Assessing Officer must have reason to believe that income has escaped assessment. /90

The following questions of law have been formulated by the revenue:

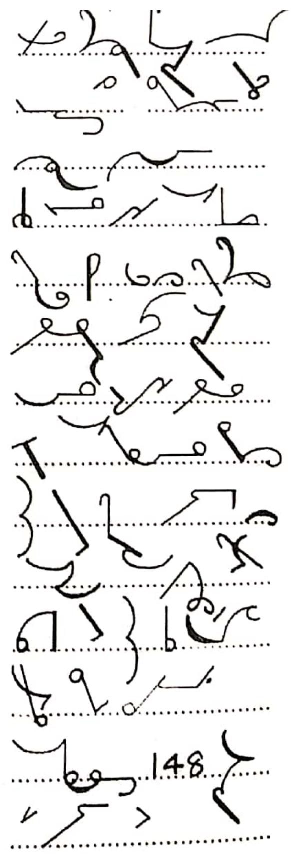
"1. Whether on the facts and in the circumstances of the case, the Hon'ble Tribunal was justified in quashing /120 the re-opening of assessment by ignoring the fact that the Assessing Officer had sufficient reasons for re-opening the case and accordingly assessing the long term capital gains at Rs. /150 72,00,000/-, against the returned long term capital gains of Rs.1,72,000/-.

2. Whether on the facts and in the circumstances of the case, the Hon'ble Tribunal /180 was justified in law in not appreciating the fact that the Assessment Officer had valid reasons to believe that there is escapement of income by the assessee who vide his /210 return of income had shown highly inflated cost of construction and improvement.

3. Whether on the facts and in the circumstances of the case, the Hon'ble Tribunal was justified in /240 not appreciating the fact that the value of property, decided by Civil Judge, Kanpur at Rs.1 lakh as per the Court decree was rightly adopted by the Assessing Officer. /270

4. Whether on the facts and in the circumstances of the case, the Hon'ble Tribunal was justified in not appreciating the fact that the assessee during the course of assessment /300 proceedings failed to produce evidence regarding cost of construction and improvement as claimed by him in his return income."

change of opinion, but there must be tangible material before the Assessing Officer to come to a conclusion that there is an escapement of income from /600 assessment. Reasons, as the Supreme Court observed, must have a link with the formation of the belief.



This decision was, of course, rendered in the context of the provisions of /630 Section 147 as they then stood but the fundamental principle is that there must exist reasons to believe that income of the assessee had escaped assessment and there /660 must be a rational and intelligible nexus between the reasons and the belief.

In the present case, the submission of the assessee before the Tribunal, as recorded in paragraph 3 /690 of the impugned order, is that the only reason which was given by the Assessing Officer for initiating reassessment proceedings was that the property was sold by the assessee for /720 Rs.31 lakhs but its value for the purpose of stamp duty as per the circle rate was Rs.82 lakhs, resulting in an escapement of income of Rs.51 /750 lakhs. The notice under Section 148 was available on the record of the

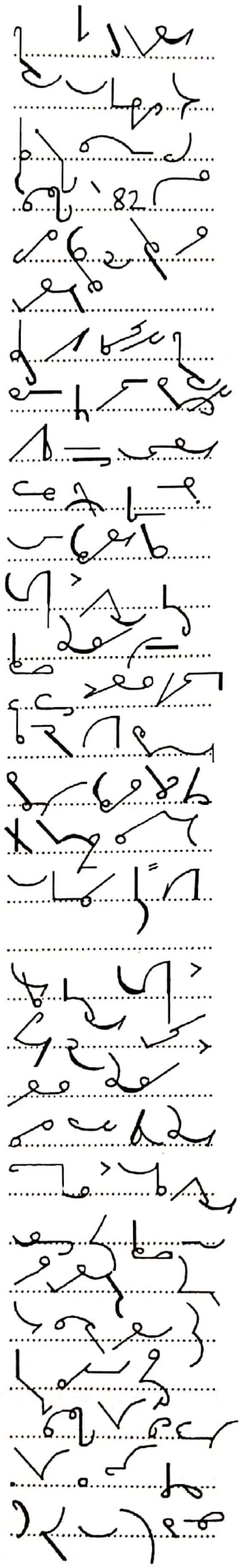
Tribunal. The Tribunal also had the benefit of perusing the income tax return filed by the /780 assessee. It is on that basis that the Tribunal, after duly perusing the computation of income submitted by the assessee, found that as a matter of fact, the assessee had /810 shown a sale consideration of Rs.82 lakhs in the computation of income. Once this is the position, the only basis on which the Assessing Officer issued notice under /840 Section 148 would not possibly give rise to a reason to believe.

It has been urged on behalf of the revenue that the Tribunal has not given due /870 regard to the submission of the revenue that the assessee had reduced the capital gain by increasing the cost of acquisition and the cost of improvement of the property. The /900 difficulty in accepting the submission is that, in fact, this was not the basis on which the assessment was reopened under Section 148. The validity of the reopening /930 of the assessment has to be determined on the basis of reasons which are disclosed by the Assessing Officer. The legality of the notice reopening the assessment has to be /960 determined, when it is questioned, on the basis of the reasons which are recorded by the Assessing Officer. Those reasons cannot be allowed to be supplemented subsequently. This was also /990 so observed in a judgement of a Division Bench of the Bombay High Court in Harnath vs. Income-Tax Officer and others3 where it was held as follows:

" ...For the purpose /1020 of determining the validity of the challenge to the notice under section 148, the court would have to refer to the reasons recorded by the Assessing Officer and to those /1050 reasons alone."

Hence, in our view, the Tribunal was justified in assessing the correctness of the notice for reopening the assessment under Section 148 on the basis of /1080 the reasons which were disclosed by the Assessing Officer. Those reasons, as the Tribunal noted, could not give rise to a reason to believe that income had escaped assessment for /1110 the simple reason that in the computation of income, the assessee had adopted the circle rate which is higher than the sale consideration. Hence, the appeal will not give rise /1140 to any substantial question of law.

The appeal is, accordingly, dismissed. There shall be no order as to costs. (1159 words)

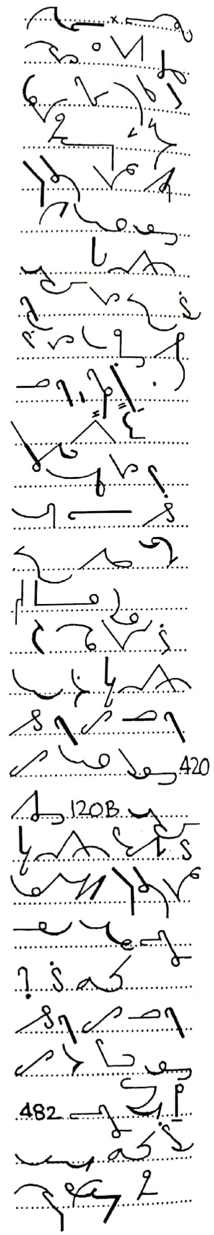


JUDGMENT (PASSAGE – 14)

Text of Judgment of a High Court

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JUDGMENT



1. Leave granted. Criminal Miscellaneous Petition No.1296 of 2010 seeking impleadment as a party is dismissed.

2. This appeal is preferred against order passed /30 by the High Court of Calcutta in CRR No.198 of 2005 in FIR No.21, dated 10th November 2004 on the file /60 of Bada Bazar Police Station registered for the alleged offences under Section 420 and 120B Indian Penal Code including the order dated 28th October, 2004 in case /90 No.C99 of 2004 passed by the Additional Metropolitan Magistrate, Calcutta.

3. Briefly the facts are as follows: The appellant herein complainant was looking for a /120 plot of land for construction of residential house in January 2004 and accused No.2, Prasad Babu, a public servant represented that he could arrange for the said /150 plot and introduced the appellant to respondent No.1/accused No.1 who stated that he had a plot of land and the appellant believing the representation made by the /180 accused No.2 entered into an agreement for sale with respondent No.1 herein/ accused No.1 and also paid a sum of Rs.5,00,001/- in cash. The /210 respondent No.1 herein refused to hand over the necessary title documents to the appellant which led to issuance of legal notice by the appellant. All other methods to compel /240 respondent No.1 to complete the sale having failed, the appellant filed a complaint on 28th October, 2004 in the Court of Additional Chief Metropolitan Magistrate, Calcutta against /270 respondent No.1 herein/accused No.1 and accused No.2 for the offences punishable under Section 420, read with Section 120B of the IPC. The Additional /300 Chief Metropolitan Magistrate forwarded the complaint to the officer in-charge of the Bada Bazar Police Station for causing investigation under Section 156(3) of Criminal Procedure Code /330 by treating the complaint as First Information Report. Respondent No.1 herein/accused No.1 filed application under Section 482 of Cr.PC for quashing the said proceedings including /360 the FIR. Though the appellant herein/ complainant was impleaded as a party no attempt was made to serve notice on him with the result that the learned single Judge of /390 the High Court quashed the complaint proceedings in the absence of the appellant herein. Challenging the said order the appellant herein

preferred appeal to this Court in Criminal Appeal /[420] No.82 of 2007 and this Court by judgment dated May 09, 2007 allowed the appeal and remitted the case to the High Court for /[450] a fresh decision in accordance with law. Thereafter the High Court heard both the parties and by impugned order dated June 29, 2009 allowed the application under /[480] Section 482 Cr.P.C and quashed the complaint proceedings. Aggrieved by the same, the complainant has preferred the present appeal.

4. The learned counsel for the appellant contended /[510] that the contents of the complaint would disclose the commission of the cognizable offences alleged and the High Court at the preliminary stage would not be justified in embarking upon /[540] an inquiry and quashing the proceedings and hence the impugned order is liable to be set aside. Per contra the learned counsel for the Respondent No.1/accused /[570] No.1 contended that the dispute involved in the complaint is of civil nature and none of the acts allegedly committed by the Respondent No.1 gave rise to any /[600] criminal liability as rightly held by the High Court. In support of the submission he relied on the following decisions of this Court in Rajan Verma and others Vs. State /[630] of Bihar and another.

5. The legal position with regard to exercise of jurisdiction by the High Court for quashing the First Information Report is now well settled. It is /[660] not necessary for us to delve deep thereinto as the propositions of law have been stated by this Court in Kalyani Vs. Janaki (2009) in the following terms: /[690]

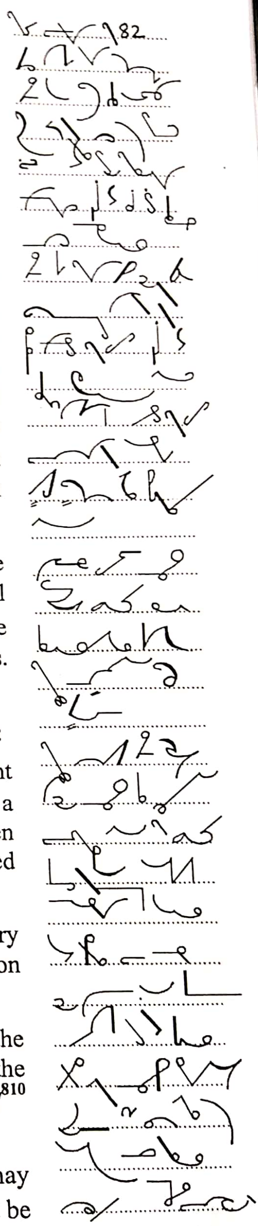
" 15. Propositions of law which emerge from the said decisions are:

1) The High Court ordinarily would not exercise its inherent jurisdiction to quash a criminal proceeding and, in /[720] particular, a first information report unless the allegations contained therein, even if given face value and taken to be correct in their entirety, disclosed no cognizable offence.

2) For the /[750] said purpose the Court, save and except in very exceptional circumstances, would not look to any document relied upon by the defence.

3) Such a power should be exercised very /[780] sparingly. If the allegations made in the FIR disclose commission of an offence, the Court shall not go beyond the same and pass an order in favour of the /[810] accused to hold absence of any mens rea or actus reus.

4) If the allegation discloses a civil dispute, the same by itself may not be a ground to hold /[840] that the criminal proceedings should not be



allowed to continue."

6. Yet again in Mahesh Chandra Vs. State of Rajasthan (2008) this Court stated the law thus: /[870]

"11. The principle providing for exercise of the power by a High Court under Section 482 of the Code of Criminal Procedure to quash a criminal proceeding is /[900] well known. The Court shall ordinarily exercise the said jurisdiction, inter alia, in the event the allegations contained in the FIR or the complaint petition even if on face /[930] value are taken to be correct in their entirety, does not disclose commission of an offence."

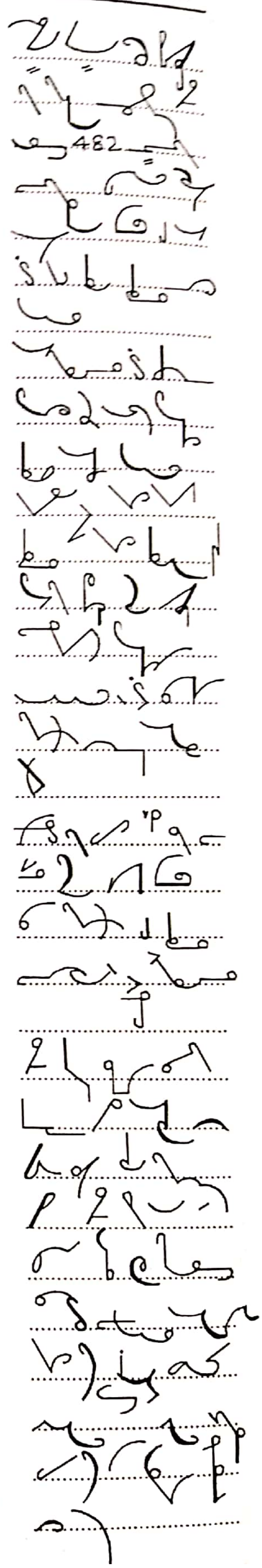
7. In the present case the complaint does make averments so as to infer /[960] fraudulent or dishonest inducement having been made by Respondent No.1 herein and accused No.2 pursuant to which the appellant parted with money. It is the case of the /[990] appellant that Respondent No.2 does not have title over the property since the settlement deed was not a registered one and Respondent No.1 herein and accused /[1020] No.2 had entered into criminal conspiracy and they fraudulently induced the appellant to deliver a sum of Rs.5,00,001/- with no intention to complete the sale /[1050] deal. The averments in the complaint would prima facie make out a case for investigation by the authority.

8. In the decisions relied on by the learned counsel for the /[1080] respondent No.1, cited supra, this Court on the facts therein held that the allegations in the complaint read as a whole prima facie did not disclose commission of offences /[1110] alleged and quashed the criminal proceedings. Those decisions do not apply to the fact situation of the present case.

9. The High Court has adopted a strictly hyper-technical approach and /[1140] such an endeavour may be justified during a trial, but certainly not during the stage of investigation. At any rate it is too premature a stage for the High Court /[1170] to step in and stall the investigation by declaring that it is a civil transaction wherein no semblance of criminal offence is involved.

10. The appellant, is therefore right in /[1200] contending that the First Information Report should not have been quashed in this case and the investigation should have been allowed to proceed.

11. We, therefore, allow this appeal and /[1230] set aside the impugned order. (1235 words)



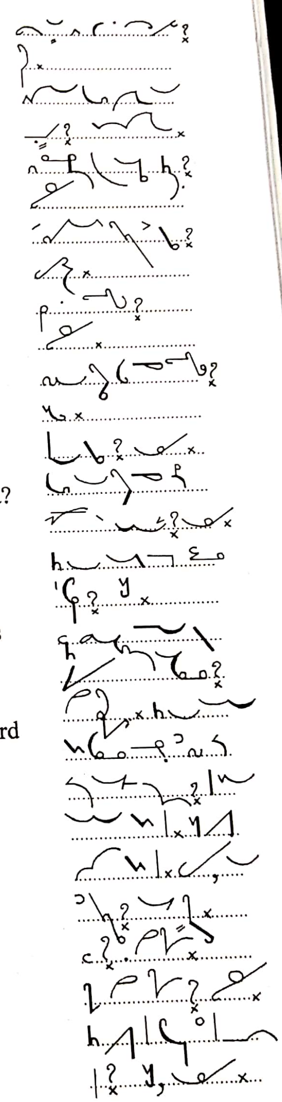
PASSAGE – 15 (1909 N. S. R. A. SPEED CONTEST)

(Lake George) Championship

TESTIMONY

Number of Q's and A's 165

(Marked at every 30 words to enable to write the passage at different speeds)



Q. Mr. Knight, how old a man are you?
A. Thirty.
Q. How long have you lived in Cairo?
A. All my life.
Q. You succeeded your father in business, /[30] did you say?
A. Yes, sir.
Q. And you are now the proprietor of the business?
A. One of them.
Q. Is it a corporation?
A. Yes, sir.
Q. You /[60] have no prejudices then against corporations?
A. I have not.
Q. Doing business?
A. No, sir.
Q. Have you any prejudice against the Standard Oil Company of Indiana?
A. No, /[90] sir.
Q. Do you know anybody connected with the case on either side? A. I don't.
Q. When did you first know that you were going to be a juror /[120] in this case?
A. Last Thursday morning.
Q. Do you know anything about this case excepting what you have heard here in the court room?
A. Do I know anything /[150] about it? I did read a little about it.
Q. Where? In what papers?
A. In the Tribune.
Q. When?
A. The last trial.
Q. During the last trial?
A. /[180] Yes, sir.
Q. Did you read it every day as it came out?
A. I did not, no, sir.

Q. Did you attempt to follow the evidence at all? /[210]

A. No, sir, I did not.

Q. Were you interested enough in it to try to follow it closely?

A. No, sir.

Q. Do you come in contact with freight /[240] matters a good deal yourself in the conduct of your business?

A. No, sir.

Q. You buy your merchandise mainly in Chicago?

A. Chicago and New York.

Q. Do you /[270] remember now anything about the details of the evidence in the other trial at all?

A. No, sir, I don't.

Q. Nothing that made any lasting impression on your mind? /[300]

A. No, sir.

Q. Have you ever been a juror before?

A. I have in the county I live in.

Q. This is the first time in the Federal court? /[330]

A. Yes, sir.

Q. Do you know anyone connected with the district attorney's office here?

A. No, sir.

Q. Or the marshal's office?

A. No, sir.

Q. You are not /[360] in politics?

A. I am not.

Q. Have you ever been a juror in a criminal case?

A. No, sir, I don't think I have.

Q. The law in a /[390] criminal case is, Mr. Knight, that you start in the trial of the case against the defendant, presuming that defendant to be innocent of the charge in the indictment. Can /[420] you do that in this case?

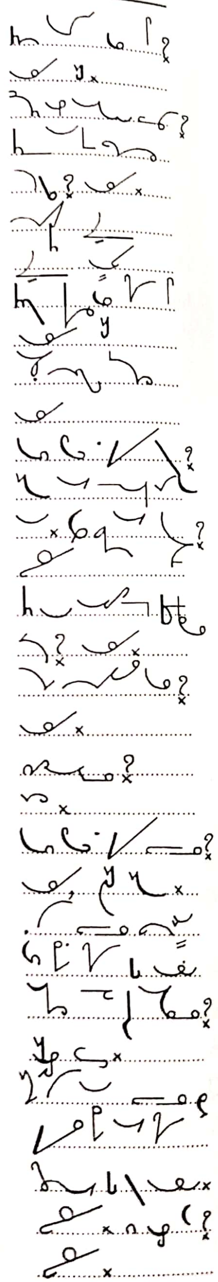
A. I didn't understand the question.

Q. I say the law in a criminal case is that the jurors start in the trial of /[450] a case presuming the defendant to be innocent.

A. Yes, sir.

Q. You understand that?

A. Yes, sir.



Q. Can you do that in this case?

A. Yes.

Q. Without /[480] the slightest difficulty?

A. I can.

Q. You will start out in the trial of this case presuming the Standard Oil Company of Indiana to be innocent of this charge /[510] until the government establishes its guilt, if at all, by proof beyond a reasonable doubt?

A. Yes, sir.

Q. Can you do that?

A. Yes, sir.

Q. Freely?

A. Yes, /[540] sir.

Q. Without any effort at all?

A. Yes, sir.

Q. You believe in that, do you?

A. Yes, sir, I do.

Q. Now, I understand that you /[570] haven't an opinion upon any phase of this case at all?

A. No, sir.

Q. No opinion about the merits of it?

A. No, sir.

Q. About the guilt or /[600] innocence of the defendant?

A. No, sir.

Q. Is that right?

A. Yes, sir.

Q. Can you treat the defendant, the Standard Oil Company, in this case just exactly the /[630] same as though it were an individual that were here on trial?

A. Yes, sir.

Q. Without any difficulty?

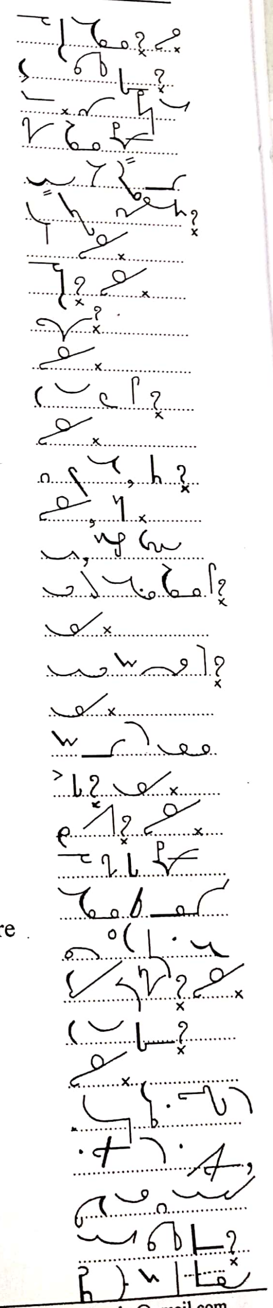
A. Yes, sir.

Q. The fact that it is a corporation /[660] or a large corporation or a rich corporation, will that influence you in any way at all?

A. No, sir.

Q. Not in the slightest degree? A. No, sir.

Q. /[690] What do you say about it, Mr. Dixon?



A. What is that question?

Q. As to whether the fact that this defendant is a corporation, and a large one if /720 you please, will make the slightest difference to you in determining the issues in this case?

A. No, sir.

Q. It will not?

A. No, sir.

Q. Not a bit? /750

A. No, sir.

Q. Do you say that without any hesitation? A. Yes, sir.

Q. Have you any clear recollection of the facts of this case, as you may have /780 read them heretofore?

A. No, I did not follow the evidence at all in the papers.

Q. Have you ever been a juror before?

A. Not in a Federal court. /810

Q. Where?

A. I was a juror once in our own courts.

Q. How long ago?

A. Oh, it was a good many years ago.

Q. How many men /840 do you have under you as foreman of the company you work for?

A. Well, I have not got very many just at present. Eight or ten now. I have /870 had as high as thirty or thirty-five.

Q. You have been a deputy sheriff there in your county?

A. Yes, sir.

Q. When were you deputy sheriff?

A. Up to /900 about two years ago.

Q. And then after that you went into the grocery business?

A. No, previous to that I went in the grocery business.

Q. Previous to that? /930

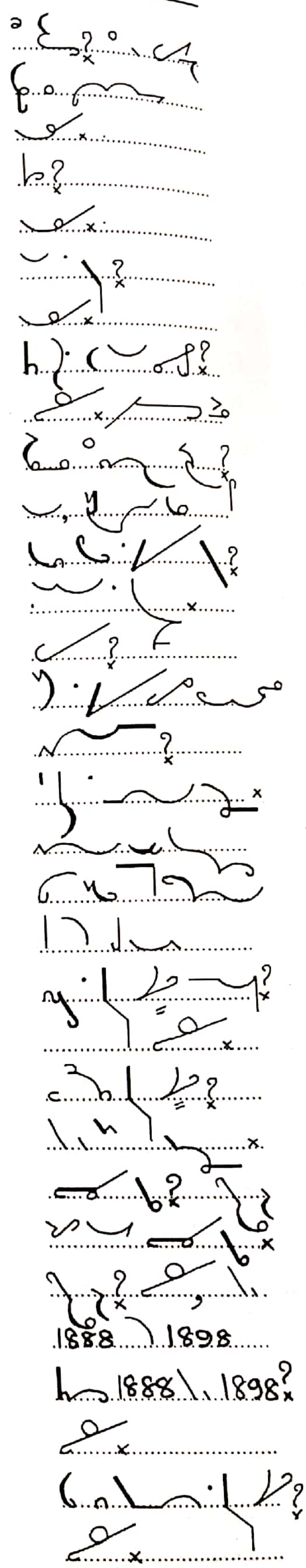
A. Yes, sir, I was in the grocery business up to 1888, or 1898 I should say 1898.

Q. Do you mean 1888 up to 1898?

A. Yes, sir. /960

Q. Then you became a deputy sheriff?

A. Yes, sir.



Q. How much have you read about this case?

A. Well, I have not read a great deal about it. /[990] I glanced over the paper and that was about all.

Q. What papers did you read?

A. We read our own local papers and then the Chicago Tribune. I generally read /[1020] the Tribune at home.

Q. Did you read the Tribune this morning?

A. No sir, I have not seen the Tribune at all.

Q. Do you know anybody on the /[1050] other side of the table here?

A. No, sir.

Q. Nobody connected with the district attorney's office?

A. No, sir.

Q. Or the marshal's office?

A. No, sir, I don't. /[1080]

Q. What?

A. No, sir.

Q. You have, as I understand it, no opinion about anything connected with this case any of the facts of the case? Am I right /[1110] about that, or have you?

A. No, I haven't any opinion in regard to the facts, for I don't know the facts myself. I don't know what the facts are. /[1140] I paid very little attention to the case at the time.

Q. Do you know what the Standard Oil Company of Indiana is charged with doing here?

A. Only what /[1170] I have heard.

Q. Mr. Black, you live at Mount Carroll? A. Yes, sir.

Q. You stated that at present you were out of business?

A. Yes, sir.

Q. Are /[1200] you engaged in any occupation or pursuit by which you make or seek to make a living?

A. Not at the present time.

Q. Have you since you were in /[1230] the jewelry business?

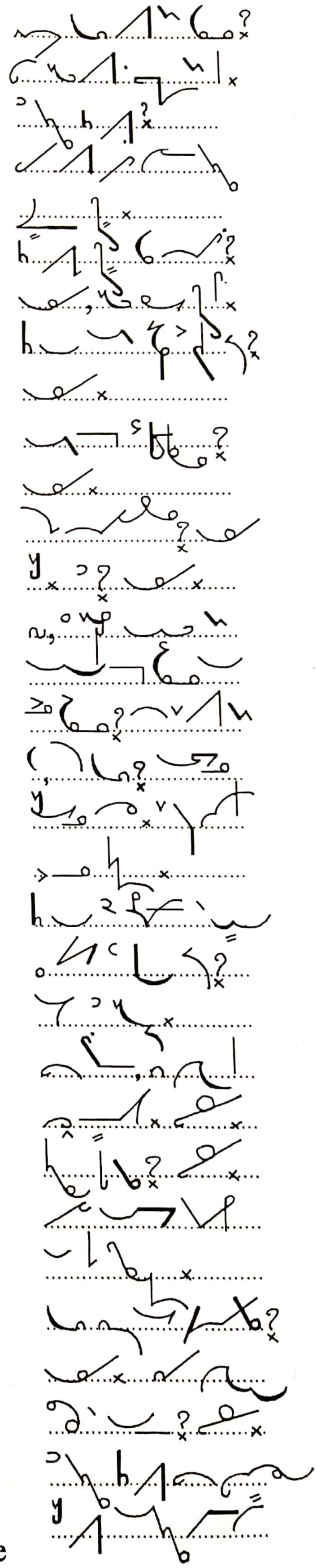
A. No, sir.

Q. You are living on what you have without any sources of income?

A. Yes, sir.

Q. What papers do you read, Mr. /[1260] Williamson?

A. I don't read any papers regularly, although at the present time I read the



Record-Herald and the News.

Q. The last I did not hear?

A. The Daily /1290 News, The Evening News.

Q. That is the Chicago Daily News?

A. Yes, sir.

Q. Those are Chicago papers?

A. Yes, sir.

Q. Are you accustomed to reading magazines? /1320.

A. Somewhat.

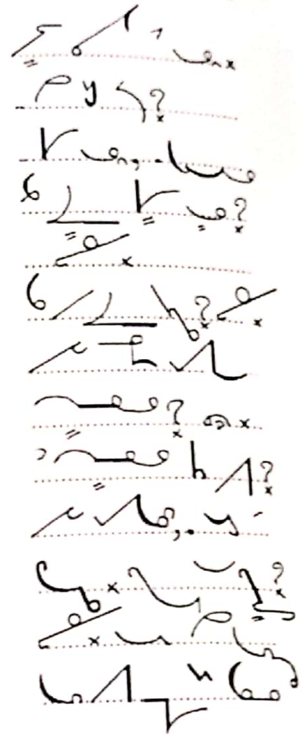
Q. What magazines do you read?

A. Review of Reviews, the Independent and Everybody's.

Q. That is the Independent that is printed at Brooklyn?

A. Yes, sir.

Q. Now, /1350 in your reading of the Chicago papers during the last few years have you read a good deal about this case? /1372 (1372 words)



PASSAGE – 16 (1910 N.S.R.A. SPEED CONTEST)

TESTIMONY 280 Words a Minute Championship

(Marked at every 30 words to enable to write the passage at different speeds)

Q. Mrs. Rose, you have stated to the jury that you do not recollect any occasion, when your son was present, that the disappearance of Roper was spoken of? /30

A. No, sir; I do not remember any such time.

Q. You do not recollect any occasion when he was present that that was talked about?

A. I do not. /60

Q. Was your son a frequent visitor at your house?

A. Yes, sir.

Q. And the subject of Roper's disappearance was frequently talked over, there, was it not?

A. No, sir, /90 it was not.

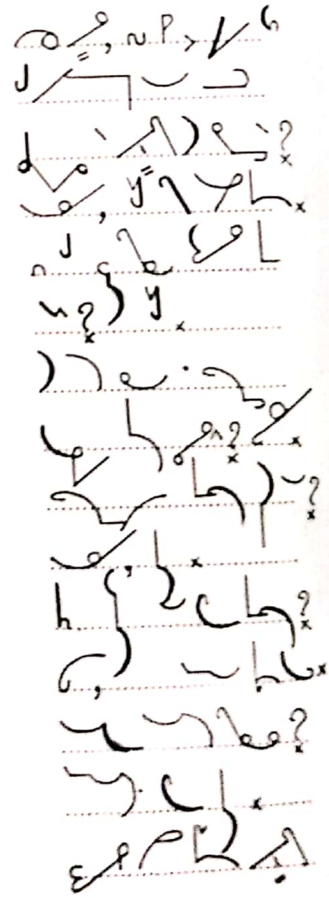
Q. Do you recollect that it was ever talked over?

A. Well, I couldn't say that it was; it might have been.

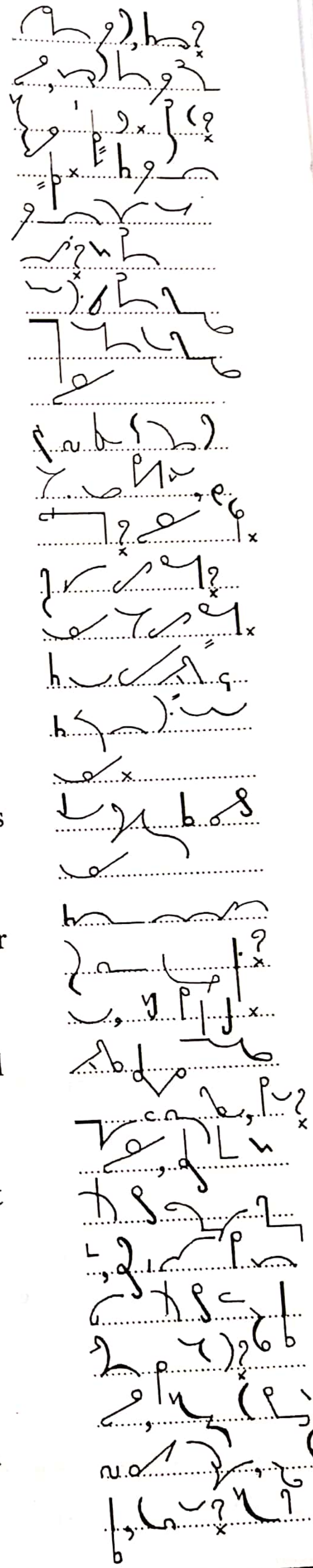
Q. Never in your presence? /120

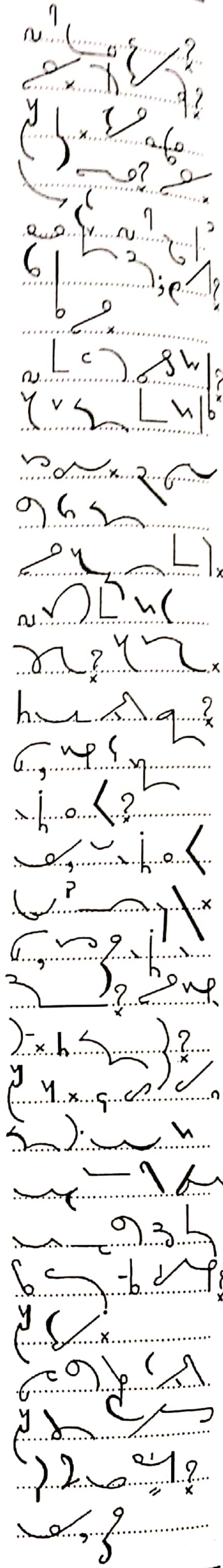
A. I couldn't say it ever was.

Q. When was the last time Roper came to your house?



A. The last time he was there, do you mean?
Q. Yes; /[150] I mean the time he worked there last.
A. I think that was on Tuesday the third.
Q. What day was that?
A. Tuesday.
Q. Do you recollect the time /[180] of day he came there?
A. He came early in the morning I should think.
Q. About what time in the morning?
A. I couldn't say just what time; he /[210] was there to breakfast.
Q. You think he got there in time for breakfast?
A. Yes, sir.
Q. I believe you have testified that he remained there until the next /[240] Saturday night; is that correct?
A. Yes, sir; that is it.
Q. And during that whole period of time he was there but one Sunday?
A. No, sir; only one /[270] Sunday.
Q. Do you know where Roper came from when he came there?
A. No, sir, I do not.
Q. Did you hear him say anything about where he came /[300] from?
A. No, sir.
Q. And you do not know where he worked for three or four days previous to the time when he came to work for your husband? /[330]
A. No, sir.
Q. Did you make any memorandum of the time he came to work for your husband, so that you can fix the date?
A. No, I /[360] did not set it down.
Q. The subject of Roper's disappearance has been canvassed a good deal when you were present, has it not?
A. Yes, sir; it has been /[390] talked about a good deal.
Q. And your attention has been frequently directed to those dates, has it not?
A. Why, there has been but little said to me about it. /[420]
Q. Well, your attention has been called to these dates and their importance, isn't that so?
A. Yes, I have heard them spoken of.
Q. And you have searched, /[450] earnestly, to find those dates, have you not?
A. I have tried to recollect.





Q. And you have tried to fix in your mind when they were?

A. Yes, sir. /[480]

Q. But your attention was never drawn to those dates until after your son was arrested?

A. I do not think it was.

Q. And that was six months after /[510] the occurrence?

A. Yes, sir.

Q. And since that time you have tried to find out what those dates were; is that right?

A. Yes.

Q. And you have talked /[540] with your husband about the dates?

A. I think I heard him talk about it, but I am not certain.

Q. You would be willing to swear that you heard /[570] him talk about these dates?

A. Yes, I have heard him talk of it.

Q. And you have also talked about them yourself?

A. I think I may have. /[600]

Q. Do you know why Roper came back to your house after going away the first time?

A. Well, I understood that he came back to trim apple trees. /[630]

Q. To continue his job?

A. No, sir, not to continue his job there because he had finished what he came to do before.

Q. Well, I mean he was to /[660] continue to work there?

A. Yes, I understood so.

Q. Did you hear him say so?

A. I don't think I did.

Q. When he went away you heard him /[690] say nothing about coming back?

A. No, not that I can remember just now.

Q. Now, Mrs. Rose, can you swear that Roper and Williams were not at your place /[720] clearing oats on Wednesday?

A. I don't think they were.

Q. Will you swear positively that Roper was not there on Wednesday?

A. I don't think he was there; not /[750] to the best of my recollection he was not.

Q. Was he there the next Sunday?

A. No, sir; he was not.

Q. You will swear ...

A. I will.

Q. Now, as to Saturday did he stay there all night?

A. No, sir; he did not.

Q. Mrs. Rose, will you tell the jury why you /[810] are so positive that Saturday was on the thirteenth what reason have you for fixing the date on about the thirteenth rather than the fourteenth?

A. I know it was /[840] on Saturday because George's wife was at our house that afternoon.

Q. How did you know she was at your house that afternoon and that it was Saturday?

A. I /[870] take it from the date of this check that it must have been the next day.

Q. Then the check has been shown to you?

A. No, sir.

Q. Then /[900] how do you take it from the date of the check?

A. From others getting the date of the check. Others got the date of the check and I had /[930] it from them.

Q. Who did you have it from?

A. I had it from my husband.

Q. Then he showed you the check and told you the day it /[960] was dated?

A. He told me when it was dated.

Q. And you think that was the day the check was dated?

A. Yes, sir. They drew in the last /[990] load of oats that day.

Q. Have you any reason for saying that the last load of oats was drawn on that day is there any connection between that and /[1020] the date of this check what reason have you for connecting one with the other, have you any?

A. I think I have considerable.

Q. What has that check to /[1050] do with the delivery of the last load of oats?

A. My son got the check when he took the last load of oats, and the check was dated on /[1080] Saturday.

Q. You say you never saw that check?

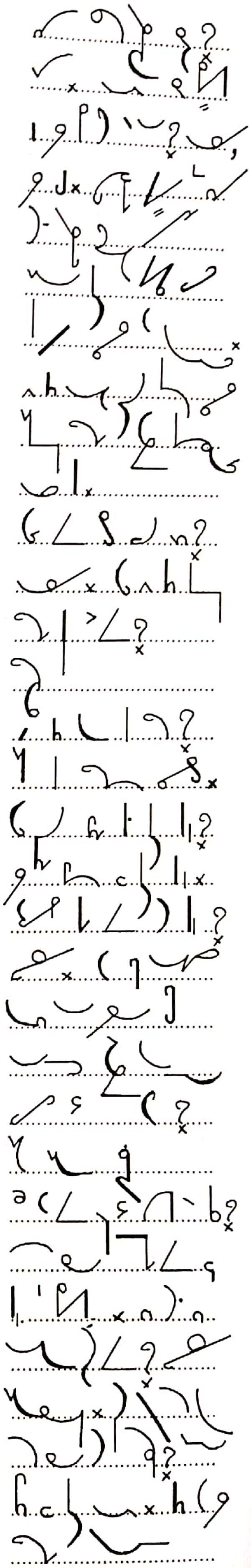
A. Yes, sir; I have seen it.

Q. Was it before or after your son was arrested?

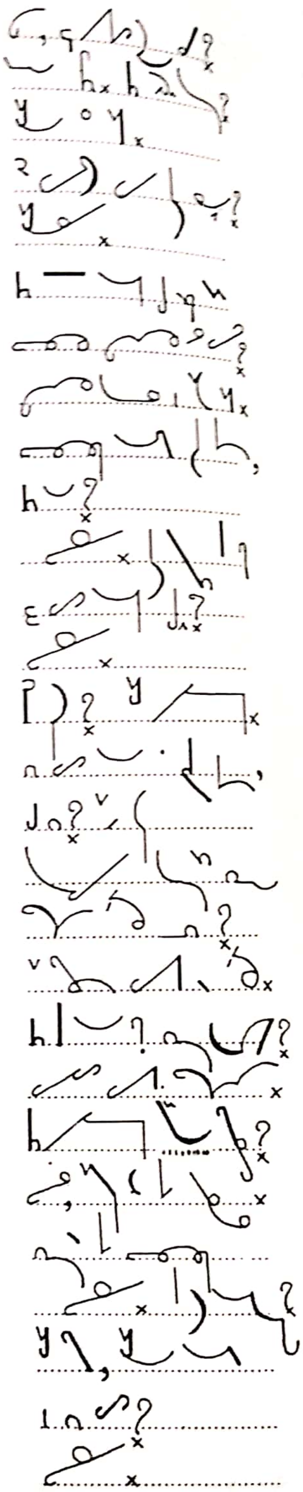
A. I couldn't tell /[1110] you when it was, now.

Q. Do you think he showed it to you when he returned from the bank?

A. He did not go to the bank on that day. /[1140]



Q. Well, when he returned from seeing Jones?
A. I couldn't tell you.
Q. Do you recollect the circumstances of their drying any bags around the fire?
A. I /[1170] don't know as I do.
Q. Do you recollect what the weather was whether it was rainy or snowy?
A. I donot know sir.
Q. Did you go/[1200] into town to trade about Christmas time with Mr. Williams and his wife?
A. I couldn't say whether I went with Williams' folks or not, but I think I did. /[1230]
Q. You had a Christmas tree in your neighborhood at that time, did you not?
A. Yes, sir.
Q. And it was before you had that tree that you went /[1260] into town?
A. Yes, sir.
Q. What day was it?
A. I don't recollect.
Q. You went in a double team, didn't you?
A. I should think it likely, but /[1290] I don't recollect.
Q. If there were four of you, yourself and your husband and Mr. and Mrs. Williams, you couldn't very well go with one horse, could you? /[1320]
A. I presume we had two horses.
Q. Did you do any trading that day you were in the village?
A. The day we went there we did very little. /[1350]
Q. Do you recollect buying a breast-pin?
A. Yes, I bought that at the store in the post office.
Q. You were all at the Christmas tree were you not? /[1380]
A. Yes, sir.
Q. At whose invitation?
A. I don't remember; I don't know as anybody invited us.
Q. But you went?
A. Yes, sir. /[1405] (1405 words)



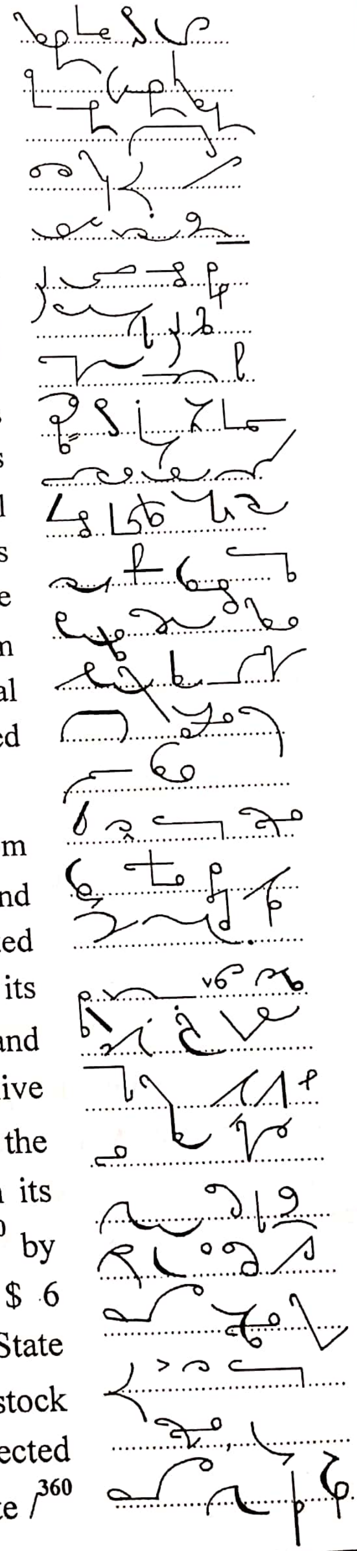
(PASSAGE – 17)

2ND INTERNATIONAL SPEED CONTEST

Boston. March 30, 1907.

FIRST TEST (150 Words per Minute)

(Marked at every 30 words to enable to write the passage at different speeds)



Our present system of taxation has been the result of an evolution from circumstances rather than from a strict theoretical system. At the present time we are too often accustomed /[30] to look upon taxation as a means of profit-sharing with persons who have money rather than as a means of producing the necessary revenue to maintain our system of government. /[60] The present tendency is towards increased expenditures by the individual, city, and State; while in our industrial development the tendency is towards the curtailing of expenditures and economy in /[90] methods. The state of Massachusetts has been continually increasing its powers, until now it takes care of criminals, the sick, the insane, provides the military power and makes large expenditures /[120] for educational purposes in addition to the ordinary expenses of maintaining the various branches and departments of the State government proper. To pay these expenses the State collects for itself /[150] a tax from the savings banks; from certain persons receiving property by will or descent, called the collateral legacy tax from insurance companies, and one-quarter of the fees received /[180] by the cities and towns from their liquor licenses.

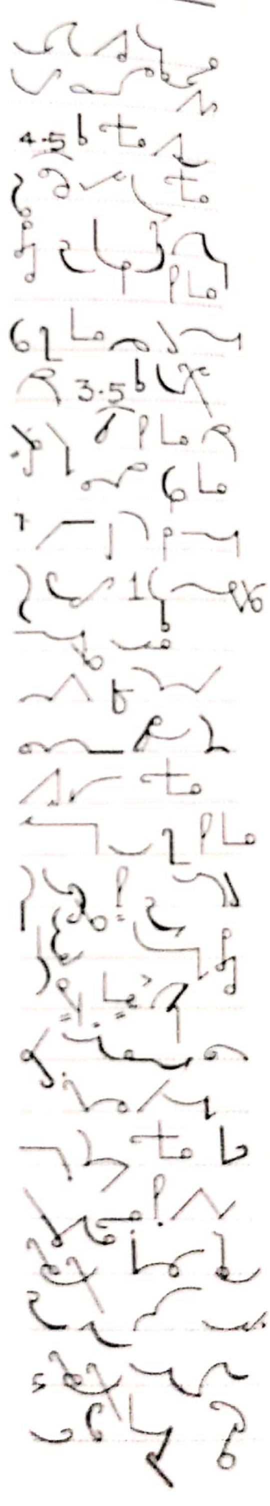
By far the largest amount, however, collected by the State is from corporations; this is called the corporation tax. While the /[210] cities and towns collect a tax on the real estate and machinery of corporations located therein, the great value of a manufacturing corporation, in addition to its real estate and /[240] machinery, is its ability to make money. The silent land and buildings are worth comparatively little in comparison with the live active producing capacity of a mill or railroad in /[270] operation, and as the State creates and controls the corporation the State collects a tax on its value as a living concern. Out of $9,000,000 collected last year /[300] by taxation from these various sources the corporations paid nearly $ 6 million. This, however, is not all retained by the State since the State returns to the cities and /[330] towns where the stockholders who own stock in these corporations live their proportionate share of the amount collected from the corporations, but if the stockholders live outside of this State /[360]

then the Commonwealth retains for its own use the taxes collected on the shares represented by such foreign stockholders.

The State returned last year to the cities and towns about /390 $4.5 million of the amount collected from the corporation tax, thus retaining from this source about $1.5 million for its own use; but all these sources of revenue after the /420 corporation tax was returned to the cities and towns would have left a deficit in the State treasury if the State had not levied what is called the State tax. /450 This is a direct tax imposed by the State upon all cities and towns in the Commonwealth and amounted last year to $3.5 million. Levied on the basis of the /480 value of property in the various cities and towns, Boston paid the largest State tax last year, amounting to $1.26 million and Gay Head $35, the smallest. This State tax /510 is added to the regular town or city and county tax, so that last year, every one who paid a tax on $1,000 to the city of Boston paid $13.20 /540 for municipal purposes, 90 cents for county purposes, and $1.70 for State purposes, which includes the Metropolitan District and armory expenses.

Some time ago /570 the suggestion was made that the State should retain the whole of the corporation tax and collect no direct State tax. Then the cities and towns aside from county expenditures /600 would only raise money for their own purposes and the State would have the entire benefit of the corporation taxes. It was found, however, that this would affect the cities /630 and towns to so large an extent that the Special Committee on Taxation of the Legislature, which has been investigating the subject during the summer, has proposed a compromise and /660 recommended the keeping by the State of so much of the corporation tax as is derived from public service corporations, stating in its report as follows:

The principle that personal /690 property follows the domicile of its owner and should there be taxed, whatever its value, should have little or no weight when the personal property involved represents none other than /720 the tangible assets and franchises of great public service corporations. /730

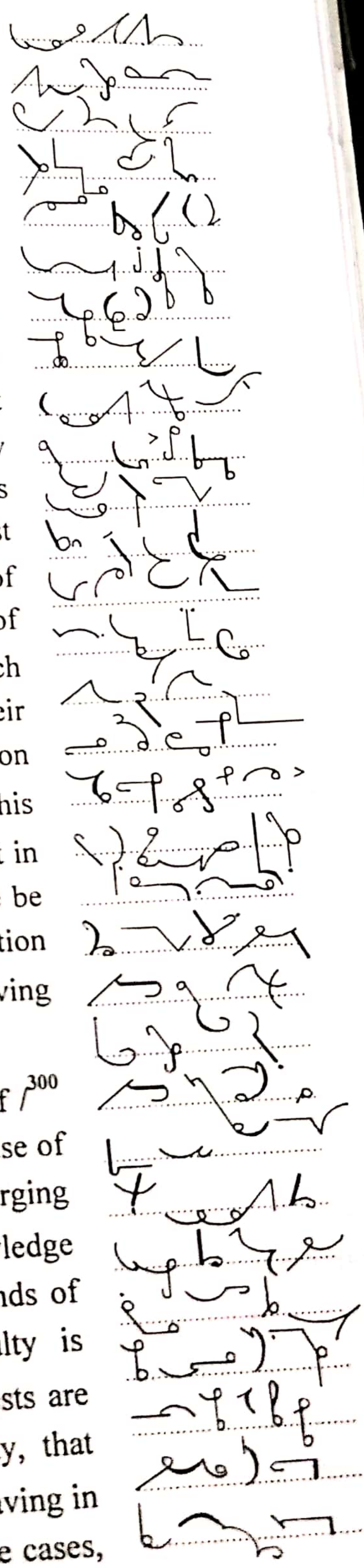


SECOND TEST (165 Words per Minute) **(PASSAGE – 18)**

(Marked at every 30 words to enable to write the passage at different speeds)

Those financiers and railroad men who keep reiterating that the President is to blame for the stock market flurry, or for what they assume to be the cause of it, /[30] are talking foolishly and will gain nothing by such tactics. They attribute last week's break in stocks and the general disturbance of the market to the railroad agitation which they /[60] say the President has fomented. They contend that distrust has been produced as to the future of railroad investments, and this is why there is difficulty in raising capital for /[90] needed extensions and improvements to increase their facilities. The men who talk in that way are either doing it without sincerity and for a purpose or they take a shallow /[120] and superficial view of the situation, which discredits their fitness for the responsible positions they hold. If what the President has said or done in his battle against railroad and /[150] other corporate abuses has contributed to a feeling of distrust which adversely affects the investment market the fault lies back of him, for he has only attacked evils which need /[180] to be reformed, which never would be reformed without attack, and which if left to take their course would produce much worse consequence than any that his agitation has caused /[210] or is likely to cause. In this "crusade" he has been doing his duty as he sees it and as the mass of the people see it, and he is /[240] not in the least likely to be deterred from persisting in it, nor will the people be scared out of giving him their support until these railroad and corporation magnates /[270] make up their minds to "co-operate" with him by observing the reasonable regulation and supervision of lawful authority.

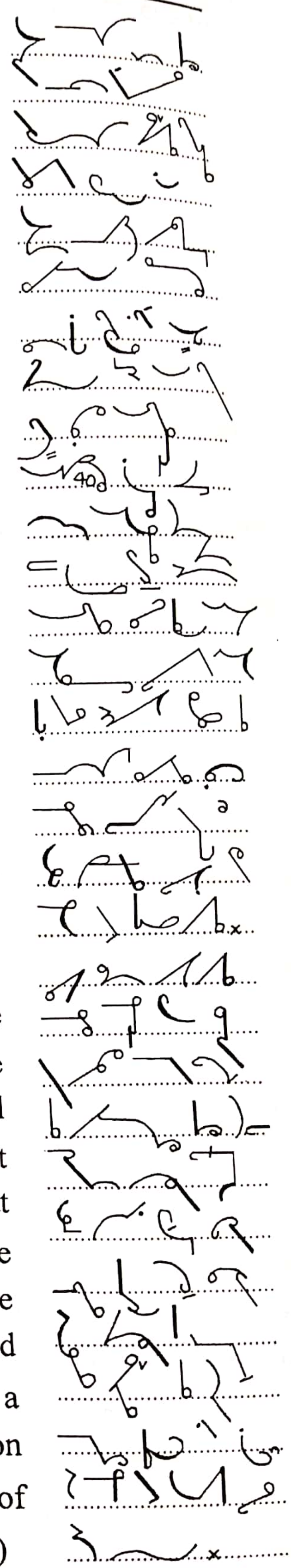
The contention that what the President has done in the way of /[300] establishing this regulation or of proposing further measures is the cause of the difficulty that railroads are having in raising new capital for enlarging their facilities comes either from insincerity /[330] or from lack of knowledge and judgment regarding the general financial situation. The demands of the railroads are very large and for that reason their difficulty is conspicuous, but in /[360] kind it is the same that all industrial interests are having in raising new capital for the increase of their capacity, that commercial interests are having, and that States and /[390] cities are having in raising funds on their credit. It is not impairment of credit in these cases,



but is lack of the available capital to meet all the demands. /420 Commercial borrowers have to pay abnormally high rates, but their present profits enable them to do it and they absorb a large share of the floating capital. All manner of /450 loans command high rates " in the Street," not because the volume of currency or of money is restricted, but because the capital which money is the means of circulating /480 is scarce. State and city bonds are impossible to float at the old rates for the same reason.

A similar condition prevails abroad, and money rates are high in England /510 and Germany on account of the large demand for capital in proportion to the supply. British consoles are selling at a price that is unprecedented in the last forty years, /540 not because confidence is shaken or British credit is impaired but because other investments are so much more profitable than these with their fixed return. The plain fact of the /570 matter is that the extension and activity of industrial and commercial enterprises in the last half-dozen years not only in this country but in Europe and in other developing parts /600 of the world have absorbed capital as fast as it has accumulated as a surplus over actual consumption, and the demand for it to-day for further expansion is greater than /630 the supply. The inevitable result is a competition for what is available, which puts up rates and necessarily checks the expansion. Those who have an elastic business that is yielding /660 large profits can draw most readily upon the supply because they can pay the advanced rates.

A huge system of railroads which requires vast expenditures to be extended over considerable /690 time before results can be realized from the new outlay cannot have its requirements met without paying for capital what others have to pay, and even then its demands are /720 so great that they cannot be met at any price and must be curtailed for the present. That is why low-rate bonds cannot be floated and new stocks will not /750 be taken at a good price on the chance of a return dependent upon future earnings. The capital is simply not to be had for all these purposes, and that /780 which must be had to keep things going as they are commands a high price. Here it is especially important to keep in mind the distinction between capital and money, /810 which is apt to be lost in the confusion of thought caused by the varied use of the word " money." /831 (831 words)



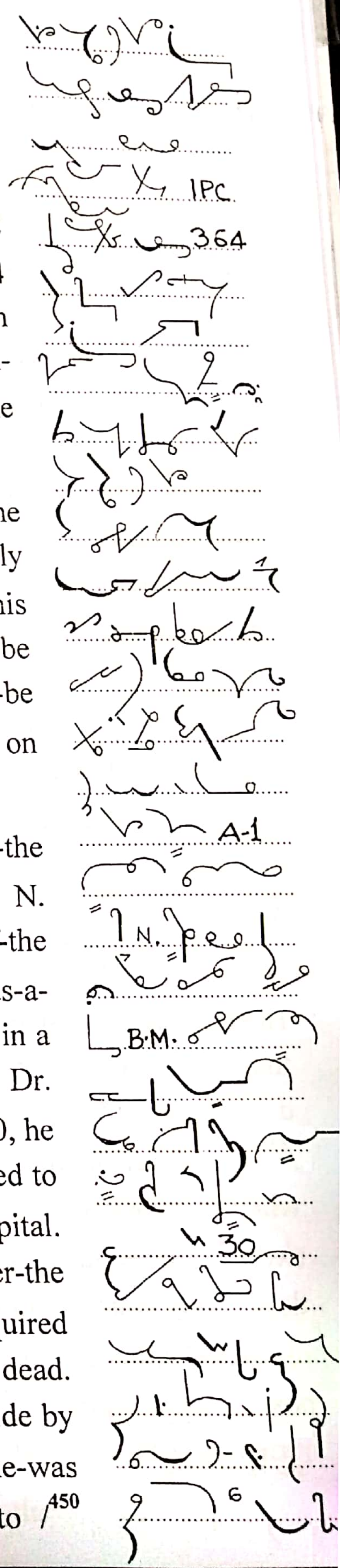
JUDGEMENT (PASSAGE 19)

(Part-I -- marked at every 30 words to enable to write the passage at different speeds)

The appellants in-these three appeals have-been convicted for offences punishable under-Sections 302 and 364 read with Section 34 of-the Indian-Penal-/[30] -Code (hereinafter referred to as 'IPC') and all-three of-them have-been directed to undergo sentence of life imprisonment for-the-charge under-Section 302 /[60] IPC read with Section 34 IPC and ten-years in-respect-of-the charge under-section 364 IPC read with Section /[120] 34 IPC. Both-the sentences are directed to-run concurrently. The conviction and sentence recorded by-the Trial-Court has-been affirmed by-the High-Court in-the /[150] impugned judgment dated 22.04.2009 resulting into-the dismissal of-the joint-appeal which-was filed by-these three appellants.

Though-the case history is quite /[180] lengthy, having-regard-to-the aspect which-we-intend to focus on and-the-fact-that on-that aspect only these appeals warrant to-succeed, it-is-not-necessary to /[210] burden this judgment with unnecessary factual details. We-would, therefore, be eschewing those-facts which-are irrelevant for our purpose and would-be taking record of-such facts that-would-be /[240] relevant to-the issue on which we intend to focus.

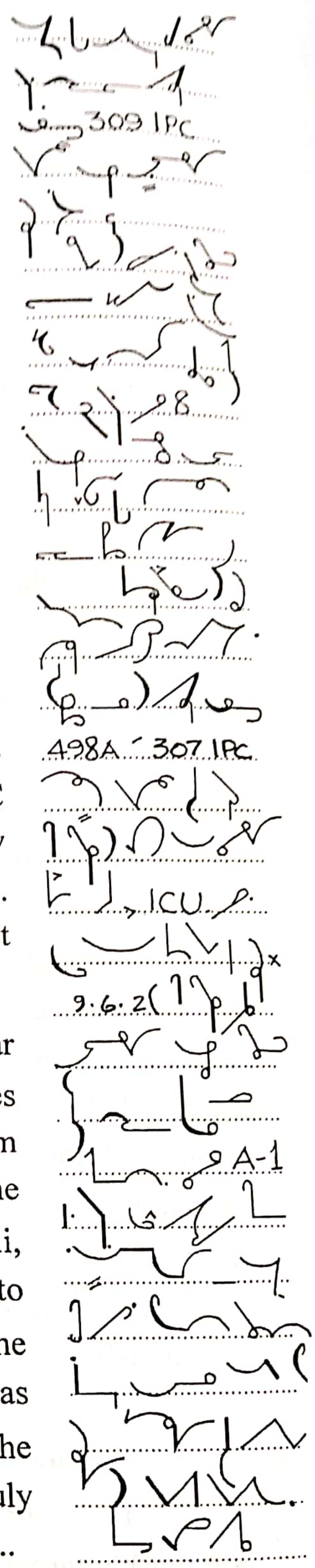
The appellant Ramaiah (hereinafter referred to as "A-1") is-the father of one Lakshmi. Her marriage was solemnised with /[270] Dr. N. Prasad (since deceased) at Mysore on 28.05.2000. Within two days of-the marriage, i.e. on 30.05.2000, Lakshmi consumed poison and /[300] as-a-result she fell unconscious and-was taken to B.M. Hospital at Mysore in a critical condition. In-the night when Lakshmi had consumed poison, Dr. Prasad left /[330] Mysore and had gone back to Bangalore. On 31.05.2000, he along-with-his elder brother Lingaiah (PW-5) and uncle Anand traveled to Mysore in /[360] a hired Tata Sumo to-meet Lakshmi in-the hospital. However, when-they-were about 30 Kms. away from Mysore, as-per-the prosecution, Dr. Prasad telephoned from one /[390] STD booth and enquired about-the condition of Lakshmi when-he-was informed that she-was dead. On receiving this information, Dr. Prasad attempted to commit suicide by /[420] slitting his throat by a blade at about 04.30 p.m. At-that time he-was in-the car with-his brother and uncle which-was being driven to /[450]

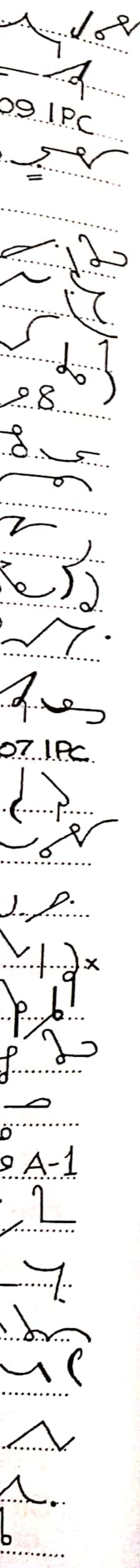


Mysore. In an injured condition, he-was shifted to-the General Hospital at Bidadi for urgent medical-care. A case was also registered against him for attempt to commit suicide /[480] under-section 309 IPC with-the Police-Station at Bidadi. Next-day, he-was shifted to Shekhar Hospital at Bangalore and admitted in ICU. /[510] In-that hospital, he tried to commit suicide again by consuming 30 Avil tablets when-he-was still in-the hospital.

As per the story put-forth by-the prosecution, /[540] on 03.06.2000, an agreement was reached between A-1 on-the-one-hand and-the father and brother of Dr. Prasad on-the-other hand to end-the /[570] marital tie/disputes and-it-was agreed-that A-1 would-be paid a sum of Rs.8 lakhs to compensate for-the marriage expenses which-was incurred by-him /[600] on-the marriage of-his daughter Lakshmi. While-the condition of Lakshmi was still critical and she-was in-the hospital, on 07.06.2000, her statement was recorded /[630] wherein she allegedly said that in-the night of 30.05.2000 i.e. about 10 p.m. while she-was in-the bedroom with Dr. -Prasad, he had administered /[660] poison to-her suspecting that she-had illicit relationship with-her maternal uncle. Based on-this-statement of Lakshmi, a case i.e. Crime No. 72/2000 was /[690] registered under Section 498A and 307 IPC against Dr. Prasad at Mysore Police Station. At-that time, as already pointed-out above, Dr. /[720] Prasad was also in-the Hospital in Bangalore. On 08.06.2000, he went to-the toilet attached to-the ICU and cut his wrist vein, which /[750] was another attempt on-his part to commit suicide.

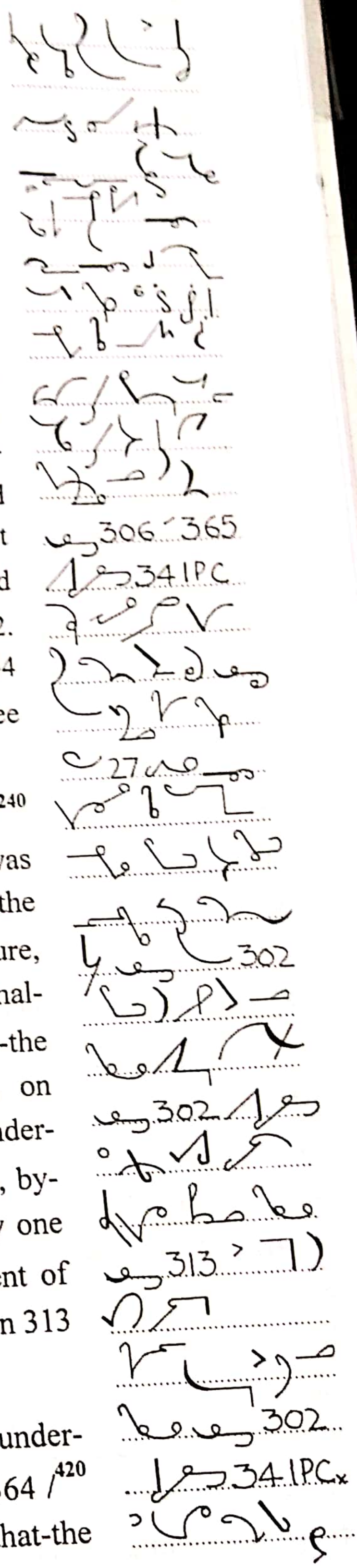
On 09.06.2000, Dr. Prasad was got discharged from Shekhar Hospital at-the instance of-these appellants. The prosecution /[780] alleges that-it-was against medical advice that-the accused persons got him discharged and-took-him away to-the house of A-1. On 10.06.2000, the /[810] dead body of Dr. Prasad was found on-the railway track near Naguvalli, which-is 30 Kms away from Mysore. The body of Dr. Prasad was cut into two /[840] pieces due to-the train running over him. The post-mortem of-the dead body was conducted. However, no-case against anybody was registered either for suicidal or homicidal death /[870] even after receiving-the post-mortem report. The dead body of Dr. Prasad was taken and duly buried by performing all last rites. (893 words) Continued …..





JUDGEMENT (PASSAGE 20)

(Part-II -- marked at every 30 words to enable to write the passage at different speeds -- continued from previous passage [19])



It-appears-that few-days thereafter, i.e. on 28.06.2000, the father of-the deceased submitted a written-complaint to-the Secretary, Home-Department, Government-of-Karnataka. /[30] On-the basis of-this complaint, fresh investigation to-find out-the cause-of-death was started. The body of Dr. Prasad was exhumed and again medically examined. Even-the /[60] said examination did-not implicate anybody. However, the father of-the deceased persisted with-his complaint which led to constitution of a Committee of five expert doctors which gave its /[90] report (Exhibit P-36). Further investigation was carried-out on-that basis and, ultimately, on 23.01.2002, charge-sheet was submitted in-the Court. In-this /[120] charge-sheet filed by-the police, after investigation, it-was alleged that a prima facie case against all-the three accused persons was-made out under-section 306 /[150] and 365 read with Section 34 IPC. A-1 was arrested on 23.01.2002 itself and-was released on bail on /[180] 06.03.2002. Thereafter, charges were framed by-the-Court-of-Sessions on 19.02.2004 under-sections 306 and 365 read /[210] with Section 34 IPC against all-three accused. Trial proceeded on-the basis of-these charges.

In all, 27 witnesses were examined which included seven Police-/[240] Officers, four Doctors and two Narcotic Experts. When PW-26 was examined on 25.07.2006, thereafter, an application was filed by-the prosecution under-/[270] section 216 of-the Code-of-Criminal-Procedure, 1973 (hereinafter referred to as “the Code”) for framing of additional-charge under-Section 302 IPC. /[300] This application was resisted by-the accused persons. However, their objections were rejected and on 30.09.2006, the Trial-Court framed “ALTERNATIVE CHARGE” under-section 302 /[330] IPC read with Section 34 IPC. As mentioned above, by-that time, 26 witnesses had already-been examined. Thereafter, only one more witness i.e. /[360] PW-27 Babul Reddi, Deputy Superintendent of Police was examined. The statement-of-accused persons under-section 313 of-the Code was also recorded.

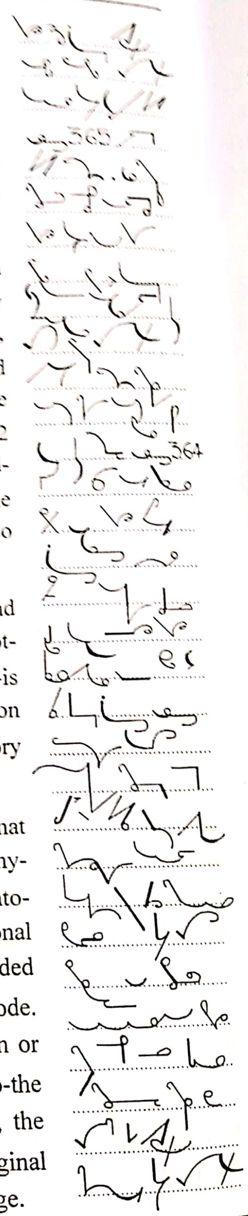
The Trial-/[390] Court convicted all-the three accused persons under-Section 302 IPC read with Section 34 IPC and also under-section 364 /[420] IPC read with Section 34 IPC. What follows from-the above is-that-the

appellants were-not convicted of-the original charge framed either under- /450 section 306 or Section 365 IPC. Instead-of Section 306 IPC, the appellants were convicted in-respect-of /480 'alternative charge' under-section 302 IPC. The other offence for-which they-were charged was under-section 365 IPC but-the conviction /510 was recorded under-section 364 IPC on-the ground that even when-the charge framed was under-section 365 IPC, the evidence /540 produced by-the prosecution shows existence of all ingredients under-section 364 IPC.

The appellants filed a common appeal against the said conviction taking a specific /570 plea to-the effect that-there-could-not-have-been any conviction under-section 302 IPC. In-this-regard, it-was also pleaded that, the 'alternative /600 charge' under-section 302 IPC was wrongly framed without following-the procedure under-Sections 216 and 217 of-the Code and, therefore, /630 the entire trial insofar as conviction under-section 302 IPC is concerned stood vitiated. It-was further argued that-there-could-not-have-been any conviction /660 under-section 364 IPC as-well in-the absence of any specific charge under-this-section. The appellants also challenged-the conviction on merits.

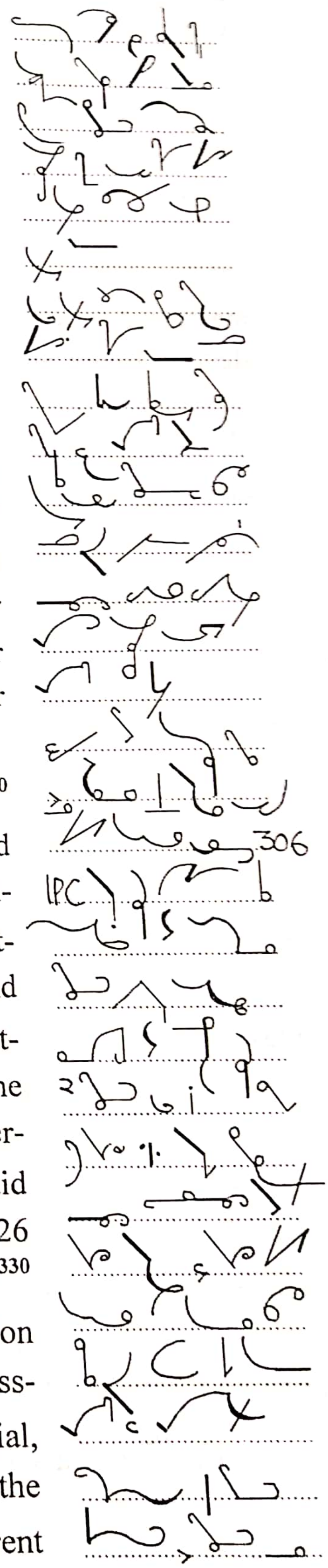
The High /690 -Court, in-detail, discussed the merits of-the case and did-not-find favour with-the arguments of-the appellants. It-is-not-necessary for-us to-go into-this /720 aspect as-we find that-the trial which-is conducted and on-the basis of-which conviction is recorded under-section 302 IPC is clearly vitiated /750 as-the same is in violation of-the mandatory procedure prescribed under-sections 216 and 217 of-the Code.

Joinder of charges: The bare reading of /780 Section 216 reveals that though it-is permissible for-any-Court to alter or add to any charge at-any-time before judgment is pronounced, certain safeguards, looking /810 into-the interest of-the accused person who-is charged with-the additional charge or with-the alteration of-the additional charge, are also provided specifically under sub-sections (3) /840 and 4 of Section 216 of-the Code. Sub-section(3), in-no-uncertain term, stipulates that with-the alteration or addition to a charge if-any prejudice /870 is going to-be caused to-the accused in-his defence or-the prosecutor in-the conduct of-the case, the Court has to proceed with-the trial as-if-it /900 altered or added-the original charge by terming-the additional or alternative-charge as original-charge.



JUDGEMENT (PASSAGE 21)

(Part-III -- marked at every 30 words to enable to write the passage at different speeds – continued from previous passage [20])



The clear message is-that it-is to-be treated as charge made for-the-first-time and trial has to proceed from that stage. This position becomes further clear /[30] from-the bare reading of sub-section(4) of Section 216 of-the Code which empowers-the Court, in-such a situation, to either direct a new trial /[60] or adjourn-the trial for-such period as may-be-necessary. A new trial is insisted if-the charge is altogether different and distinct.

Even if-the charge may-be /[90] of same species, the provision for adjourning-the trial is made to give sufficient opportunity to-the accused to prepare and defend himself. It-is, in-the same process, Section /[120] 217 of-the Code provides that whenever a charge is altered or added by-the Court after-the commencement of-the trial, the prosecutor as-well-as-the /[150] accused shall-be allowed to-recall or re-summon or examine any witnesses who-have already-been examined with-reference-to-such alteration or addition. In-such circumstances, the Court is to even /[180] allow any further witness which the Court thinks to-be material in-regard to-the altered or additional-charge.

When-we apply-the aforesaid principles to-the-facts of-this-case, /[210] the outcome becomes obvious. The accused persons were initially charged for an offence under-section 306 of-the IPC, i.e. abetting suicide which-was allegedly committed /[240] by Dr. Prasad. It-is manifest there-from that-the entire case of-the prosecution, even after repeated investigations and medical examination of-the dead body/skeleton of Dr. Prasad /[270] was that-the cause of-the death was suicide. Thus, after-the investigation, what-the prosecution found was that Dr. Prasad had committed suicide and, as-per-the prosecution, the /[300] three appellants had aided and abetted-the said suicide which-was committed by Dr. Prasad. On this specific charge, 26 witnesses were examined and cross-examined by-the appellants./[330] Obviously, when-the appellants are charged with an offence under Section 306 i.e. abetting-the suicide, the focus as-well-as stress in-the cross-examination /[360] shall-be on-that charge alone. At-the fag end of-the trial, the charge is altered with "Alternative Charge" with-the framing of-the charge under-section 302 /[390] IPC. This gives altogether a different complexion and dimension to-the prosecution case.

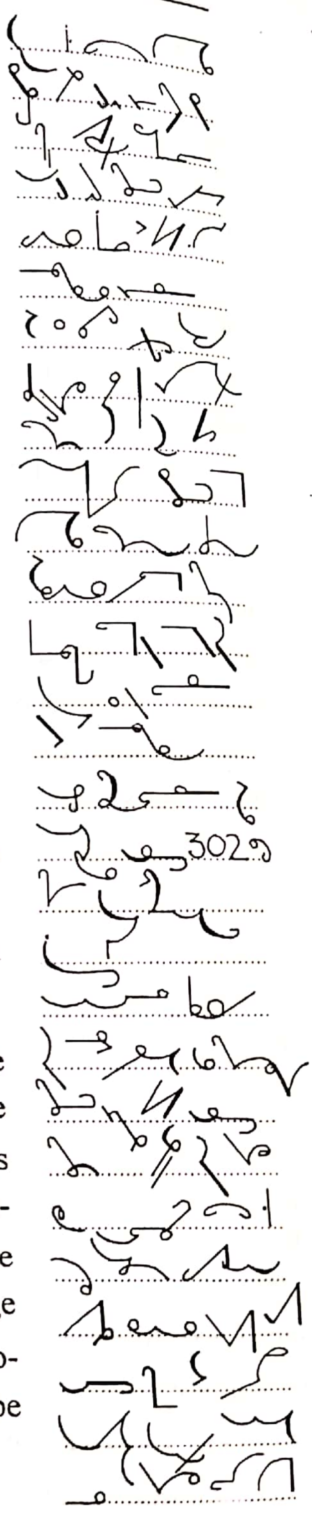
Now, the charge against the appellants was that-they-have committed murder of Dr. Prasad. /[420] In a case like-this, addition and/or substitution of-such a charge was bound to-create prejudice to-the appellants. Such a charge has-to-be treated as original /[450] charge. In-order-to-take-care of-the said prejudice, it-was incumbent upon-the prosecution to recall the witnesses, examine them in-the context of-the charge under Section /[480] 302 of IPC and allow-the accused persons to cross-examine those witnesses. Nothing of-that sort has happened. As mentioned above, only one witness i.e. /[510] official witness, namely, Deva Reddi, Deputy Superintendent of Police, was examined and even he-was examined on-the same date i.e. 30.09.2006 when-the alternative-charge /[540] was framed. The case was-not even adjourned as mandatorily required under sub-Section (4) of Section 216 of-the Code.

In a case like-this, with-the /[570] framing of alternative charge on 30.09.2006, testimony of-those witnesses recorded prior to-that date could even be taken-into-consideration. Credibility of any witness can-be /[600] established only after-the said witness is put to cross-examination by-the accused person.

In-the instant case, there-is-no cross-examination of-these witnesses insofar as charge /[630] under-section 302 IPC is concerned. The trial, therefore, stands vitiated and-there-could-not have-been any conviction under Section 302 of-the IPC. /[660]

In-any-case, it-is-not-necessary to-go into this aspect because of-the reason-that even if-it-is permissible for-the prosecution to-press-the charge under-/[690] section 306 and-even if-it-is presumed that-such a charge is established, all-the appellants have already suffered incarceration for more-than eight years. For-the-/[720] same-reason, we-do-not-intend to-go into-the issue of conviction of-these appellants under-section 364, when-the charge was framed under-section 365 /[750] IPC. We, thus, reduce-the sentence to-the period already undergone and direct-that-the appellants shall-be released forthwith, if-not required in-any-other case.

The /[780] appeals are, accordingly, allowed. (784 words)



JUDGEMENT (PASSAGE 22)

(Marked at every 30 words to enable to write the passage at different speeds)

Leave-granted.

1.
In-these two appeals the short question which needs consideration is
2. as to whether-the Division-Bench of-the Kerala-High-Court by impugned /30 judgment has rightly held that-the respondents are entitled not-only to-get information with-regard-to-the scan copies of-their answer-sheet, tabulation-sheet containing interview marks but /60 also entitled to know-the names of-the examiners who-have evaluated-the answer-sheet.

3. The information sought for by-the respondents were denied by-the State-Public-/90 Information-Officer and-the Appellate-Authority. However, the State-Information-Commission allowed-the second appeal and held that-there-is-no fiduciary relationship in-case of answer-scripts. Further, the /120 interview marks cannot-be considered as personal information, since-the public authority had already decided to publish them.

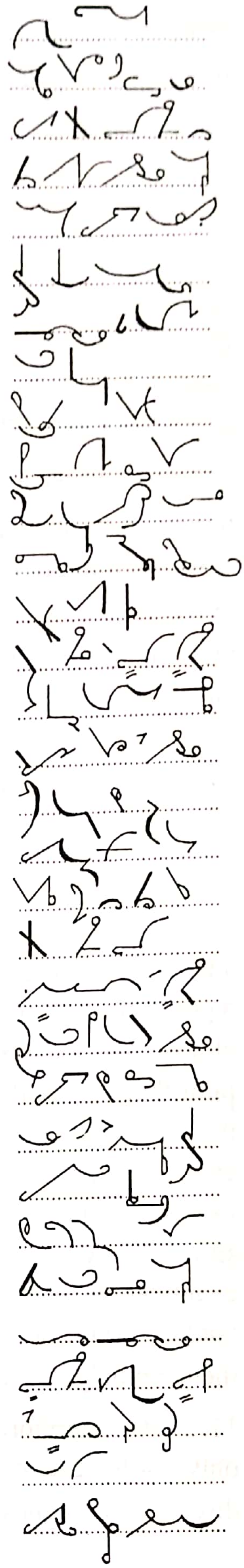
4. Both-the High-Courts of Kerala and Allahabad have taken-/150 the view, following-the earlier decisions of-this Court that no fiduciary relationship exists between-the appellants and-the respondents and, therefore, the information sought for have to-be supplied /180 to-them.

5. We-have-heard learned-counsel for-the parties and have gone through-the impugned judgments passed by-the Division-Bench-of-the High-Court of Kerala /210 at Ernakulam and Allahabad.

6. So-far as-the information sought for by-the respondents with-regard-to-the supply of scanned copies of-his answer-sheet of-the /240 written-test, copy of-the tabulation-sheet and other information, we-are of-the opinion that-the view taken in-the impugned judgment with-regard-to-the disclosure of-these /270 information, do-not suffer from error of-law and-the same is fully justified. However, the view of-the Kerala High-Court is-that-the information seekers are also entitled /300 to-get-the disclosure of names of examiners who-have evaluated-the answer-sheet.

7. The view taken by-the Kerala-High-Court holding that no fiduciary relationship exists /330 between-the University and-the Commission and-the examiners appointed by-them cannot-be sustained in law.

8. We do-not-find any substance in-the reasoning given by-the /360

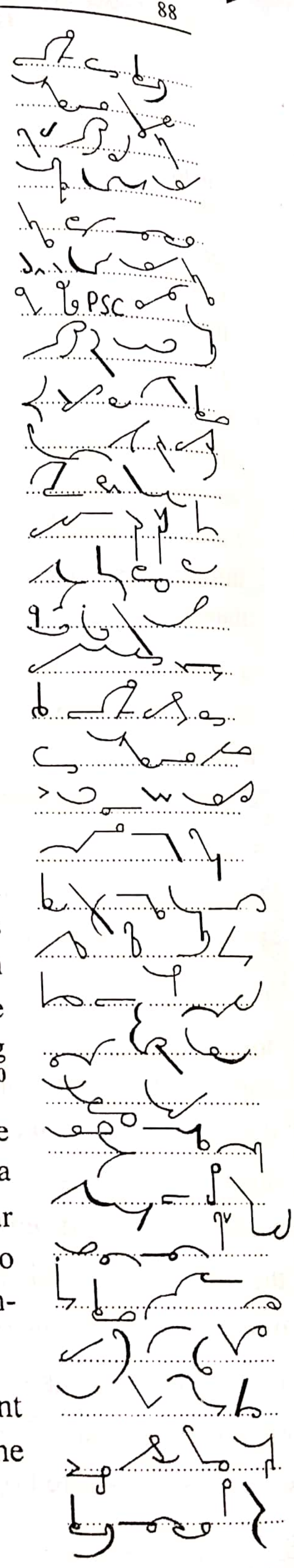


Kerala-High-Court on-the question of disclosure of names of-the examiners.

9. In-the-present-case, the PSC has taken-upon itself in appointing-the /[390] examiners to evaluate-the answer papers and-as such, the PSC and examiners stand in a principal-agent relationship. Here the PSC in-the shoes of /[420] a Principal has entrusted-the task of evaluating-the answer papers to-the Examiners. Consequently, Examiners in-the position of agents are bound to evaluate-the answer papers as-per-/[450] the instructions given by-the PSC. As-a-result, a fiduciary relationship is established between-the PSC and-the Examiners. Therefore, any-information shared between them /[480] is-not liable to-be disclosed. Further-more, the information seeker has no role to-play in-this and we-don't see any logical reason as-to-how this /[510] will benefit him or-the public at large. We-would-like to point-out that-the disclosure of-the identity of Examiners is in-the least interest of-the general /[540] public and also any attempt to reveal-the examiner's identity will give rise to dire consequences. Therefore, in-our considered-opinion revealing examiner's identity will only lead to confusion and /[570] public unrest. Hence, we-are-not-inclined to-agree-with-the decision of-the Kerala-High-Court with-respect-to-the second question.

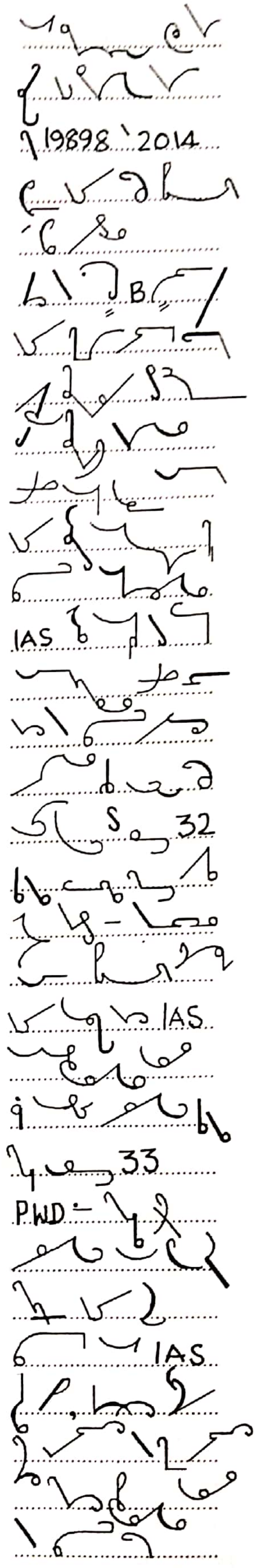
10. In-the-present-case the /[600] request of-the information seeker about the information of-his answer-sheets and details of-the interview marks can-be and should-be provided to-him. It-is-not something /[630] which a public-authority keeps it under a fiduciary capacity. The Commission has reposed trust on-the examiners that-they will check-the exam papers with utmost care, honesty and /[660] impartially and, similarly, the Examiners have faith that-they-will-not-be facing any unfortunate consequences for doing their job properly. If-we allow disclosing names of-the examiners in /[690] every exam, the unsuccessful candidates may try to-take revenge from-the examiners for doing their job properly. This may, further, create a situation where-the potential candidates in-the /[720] next similar examination, especially in-the same State or in-the same level will try to contact-the disclosed examiners for any potential gain by illegal means in-the potential /[750] exam.

11. We, therefore, allow these appeals in part and modify-the judgment only to-the extent that-the respondents-applicants are-not-entitled to-the disclosure of names /[780] of-the examiners as sought for by-them. (788)



JUDGEMENT (PASSAGE 23)

(Part-I -- marked at every 30 words to enable to write the passage at different speeds)



IN-THE SUPREME-COURT-OF-INDIA -- CIVIL APPELLATE JURISDICTION -- Petition for Special-Leave to Appeal No.19898 of 2014.

D. Sudhakar, Petitioner versus State-of /[30] Andhra-Pradesh and Others, Respondents.

JUDGEMENT by Madan B. Lokur, Judge.

1. The petitioner was directly recruited in-the Group-I services as a Regional Transport Officer in 1990 /[60] and has-been working as Joint Transport Commissioner since 2008. The petitioner belongs to-the Scheduled Caste community and is physically handicapped (Ortho).

2. The petitioner says /[90] that-he-has-been unfairly treated for selection to-the Indian-Administrative-Service (for short 'the IAS') and-that-he-is entitled to-the benefit of-the quota /[120] for physically handicapped persons under Scheduled Caste category for selection under-the Indian-Administrative-Service (Appointment by Selection) Regulations, 1997. For this, the petitioner places reliance on-the /[150] decision of-this Court in Union-of-India vs. National Federation of-the Blind and Section 33 of-the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full /[180] Participation) Act,1995.

3. The background facts of-the case indicate that-the State-of Andhra-Pradesh had short-listed-the petitioner in 2002 for-/[210] consideration for appointment to-the IAS against Non State Civil Services Officers quota. The petitioner was interviewed but not selected. Even thereafter, the petitioner was considered for appointment /[240] but was-not short-listed or selected. The petitioner says that in-spite-of-the reservation for persons with disabilities as provided under-section 33 of-the Persons with /[270] Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the PWD Act') which provides for 3% reservation for persons with disabilities /[300] in every establishment of-the appropriate Government, the petitioner was not selected in-the IAS.

4. At-this stage, it-may-be-mentioned that-there-are three /[330] modes of recruitment to-the IAS under the Indian-Administrative-Service (Recruitment) Rules, 1954. These are (a) by direct recruitment; (b) by promotion of State Civil /[360] Services Officers; (c) by selection from

amongst Non State Civil Service Officers. The case of-the petitioner falls in-the third category that-is selection from amongst Non State Civil /[390] Services Officers.

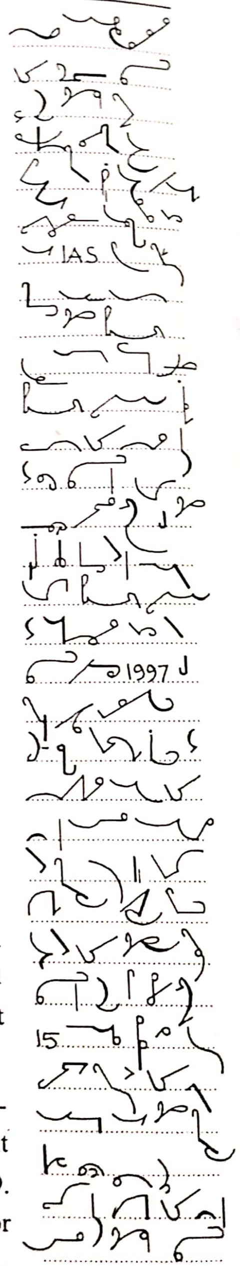
5. When-the petitioner was-not short-listed for selection for-the IAS in 2010, he approached-the Central Administrative Tribunal, Hyderabad Bench /[420] by filing O.A. No. 1297 of 2010 challenging the selection of 15 candidates by-the Selection-Committee constituted for-this-purpose that had recommended-the /[450] 15 candidates to-the Union-Public-Service-Commission for-consideration for appointment in-the IAS. The further prayer of-the petitioner was for a direction to include his /[480] name in-the short-list sent by-the State-of Andhra-Pradesh under the physically handicapped quota and under Scheduled Caste category.

6. The State-of Andhra-Pradesh and-the /[510] Union-of-India both contested-the claim of-the petitioner on merits and at law. It-was submitted by-the State-of Andhra-Pradesh and-the Union-of-India that-/[540] the concerned Selection Committee had fully examined the records of-the candidates and-thereafter did-not shortlist the petitioner. As such it-was contended that-the decision taken by-the /[570] Committee could-not-be faulted. The State-of Andhra-Pradesh and-the Union-of-India also contended that-the Indian-Administrative-Service (Appointment by Selection) Regulations, 1997 /[600] do-not provide for rules of reservation for including a candidate in-the zone of consideration. Therefore, apart from-the contention-that-the petitioner was not meritorious enough, the submission /[630] was that even at law the petitioner had not made out any case for interference by-the Tribunal.

7. The Tribunal by its Order dated 28th February, /[660] 2011 partly allowed the original application filed by-the petitioner. The Tribunal held that-the short-listing process by-the Selection Committee was not at all satisfactory and-/[690] therefore the short listing of-the 15 candidates was set aside as-the selection was not fair.

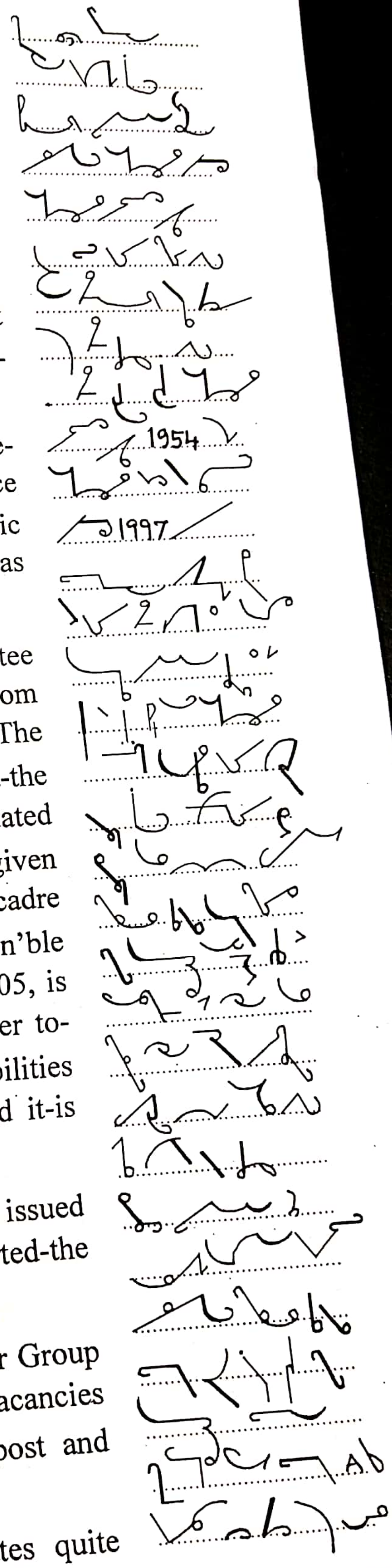
8. With regard to-the prayer of-the petitioner that his name /[720] should-be included in-the short list, the Tribunal held that on an earlier occasion it had dealt with a somewhat similar issue in O.A. No. 998 /[750] of 2009. Accordingly, it-was held that-the petitioner had not made out any case for being short listed for selection. (773 words)

Contd……



JUDGEMENT (PASSAGE 24)

(Part-II -- marked at every 30 words to enable to write the passage at different speeds -- continued from previous passage [23])



9. The Tribunal, in a somewhat oblique manner, upheld-the contention of-the State-of Andhra-Pradesh and-the Union-of-India that-there-is-no provision for reservation /[30] in-the Indian-Administrative-Service (Appointment by Selection) Regulations, 1997 or the Indian-Administrative-Service (Recruitment) Rules,1954.

10. Feeling aggrieved, the petitioner preferred Writ /[60] Petition No.18563 of 2011 in-the High-Court of Andhra-Pradesh. By-its judgment and order dated 20th February, 2014 the /[90] High-Court dismissed the writ-petition.

11. The High-Court did-not-even advert to-the Indian-Administrative-Service (Recruitment) Rules, 1954 or the Indian-Administrative-Service /[120] (Appointment by Selection) Regulations,1997 but in a rather cryptic manner rejected-the case set-up by-the petitioner. The High-Court held as follows:-

"7. The facts /[150] are-not-in dispute. As on-the date of committee constituted for selecting Non-Indian-Administrative-Service Cadre from various-departments, the petitioner was eligible to-be-considered. The main /[180] contention of-the learned-counsel-for-the-petitioner is-that-the case of-the petitioner has-to-be-considered under office memo, dated 3.12.2013, wherein-the /[210] persons with disabilities have-to-be given preference in 3% reservation on-the total number-of vacancies in-the cadre strength. But, in-view-of-the-fact-that-the /[240] decision of-the Hon'ble Supreme-Court and-the amendment of Office Memo dated 29.12.2005, is prospective, that amendment cannot-be retrospective to-the petitioner to- /[270] consider his case under 3% reservation of-persons with Disabilities Act. Therefore, we-do-not-find any merit in-this writ-petition and it-is liable to-be dismissed." /[300]

12. Subsequent to-the decision of-this Court, the Union-of-India issued another Office Memorandum dated 3rd December, 2013 and inserted-the following paragraph:-

"Reservation for /[330] persons with disabilities in Group A or Group B post shall-be computed on-the basis of total number-of vacancies occurring in direct recruitment quota in-all-the Group /[360] A post and Group B post respectively, in-the cadre."

13. A perusal of-the impugned judgment and order indicates quite

clearly that-the decision of-the High-Court /[390] was based on completely different grounds than-the decision of-the Tribunal. In-fact the reasons given by-the Tribunal were-not-even remotely adverted to by-the High-Court. /[420]

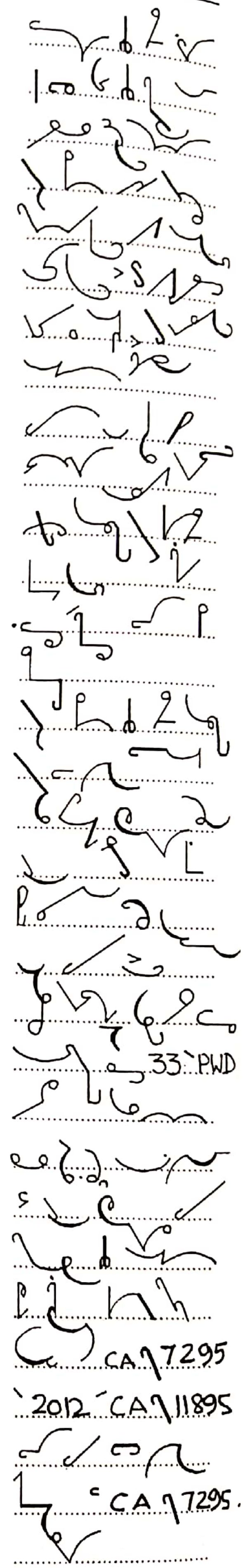
14. Be-that as-it-may, feeling aggrieved by-the decision rendered by-the High-Court the petitioner is now before-us. The primary contention urged before us is /[450] that in-view of-the decision of-this Court in National Federation of-the Blind read with Section 33 of-the PWD Act, the petitioner is entitled /[480] to-the benefit of reservation for persons with disabilities in-the-matter of short-listing for selection to-the IAS.

15. We-may note at-this stage /[510] that-the Office Memorandum dated 3rd December, 2013 and-more particularly the inserted paragraph mentioned above came up for-consideration before-the Delhi High-Court in H.C. Sharma /[540] vs. N.D.M.C., the Delhi High-Court took-the view that-the inserted paragraph was contrary to-the conclusions and directions in National-Federation of-the Blind. Accordingly, /[570] the said paragraph was struck-down.

16. Be-that as-it-may, the decision of-the High-Court in H.C. Sharma came up for-consideration before this Court /[600] and on 18th December, 2014 leave was granted to challenge-the decision. The Civil Appeal arising there-from being C.A. No.11895 of /[630] 2014 is pending and has-been tagged with C.A. No. 87295 of 2012 (State-of Haryana vs. Viklang Sangh).

17. /[660] Under-these-circumstances, we-are of-the opinion-that apart from-the-fact-that this-petition raises questions regarding-the interpretation of Section 33 of-the PWD /[690] Act read with-the Indian-Administrative-Service (Appointment by Selection) Regulations, 1997 and-the Indian-Administrative-Service (Recruitment) Rules, 1954 this-petition also relates to-the /[720] interpretation of-the Office Memorandum dated 29th December, 2005 and-the Office Memorandum dated 3rd December, 2013. Since all-these issues are inter-linked with-the /[750] pending Civil Appeals, we-are of-the view that for a comprehensive decision in-the-matter and to settle-the controversy, it-will-be more appropriate if leave is granted /[780] to-the petitioner and-this matter is tagged along-with C.A. No.7295 of 2012 and C.A. No. 11895 /[810] of 2014.

18. Accordingly, we grant leave and-tag-this-appeal with C.A.No.7295 of 2012 and C.A. /[840] No.11895 of 2014. (Madan B. Lokur) Judge. (854 words)



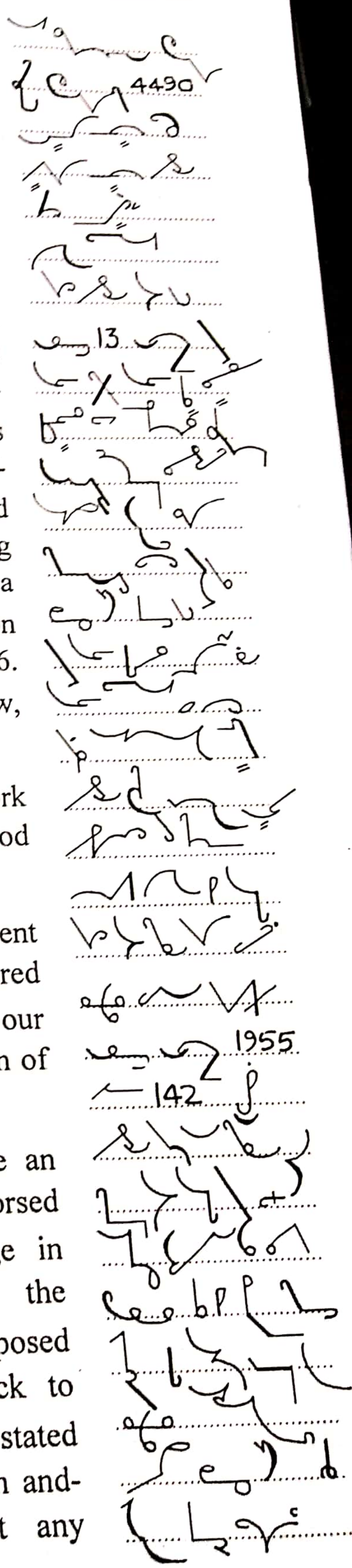
JUDGEMENT (PASSAGE 25)

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IN THE SUPREME-COURT OF INDIA - CIVIL APPELLATE JURISDICTION -- CIVIL APPEAL No. 4490 OF 2016

Nikhil Kumar, Appellant Versus Rupali Kumar, Respondent

JUDGEMENT by KURIAN, Judge. /[30]



1. Leave granted.

2. The appellant and respondent have filed the petition under-Section 13-B(1) of-the Hindu Marriage Act, 1955 before-the Family-/[60] Court (Principal-Judge, Family-Court, Tiz Hazari District Courts), Delhi. The parties were married on 07.02.2011 according-to-the customary rites. It-is submitted that-they /[90] have-not-been-able-to work-out their marriage as husband and wife since day one. For-the-last around five years, most of-the time they-have-been living separately /[120] and-their marriage reached a breaking-point more-than a year back. Both-the parties, after giving serious thought on-the entire consequences of-their decision, have-taken a conscious /[150] decision to part and accordingly they-have filed a petition before-the Family-Court for divorce on mutual consent on 29.03.2016. The Family-Court granted /[180] the First Motion on 01.04.2016 and now, the matter is posted in-the month of October, 2016.

3. The respondent has made a /[210] travel-plan to-move to New-York on 29.04.2016 seeking a job and resettlement in life, after a long period of traumatic experiences of-her /[240] married life as stated in-the affidavit.

4. In-the above circumstances, the appellant has filed the present appeal praying for waiving-the six months waiting period required under-/[270] Section 13-B(2) of the Hindu Marriage Act, 1955, invoking our jurisdiction under-Article 136 read with Article 142 of the Constitution of India. /[300]

5. The respondent has appeared in person. She-was directed to file an affidavit before this Court. The respondent in-the affidavit has endorsed the submission-that they-were /[330] not happy ever-since their marriage in 2011. It-is stated that with-the set-back of a broken marriage, the respondent needs a change in environment and /[360] thus, she-has proposed to-move to New-York and-it-would-be difficult for-her to-get back to India after six months or even in-the-near-future. /[390] It-is further stated that both of-them have realized the consequences of-their decision and-they-have-taken-the decision out-of their free-will and without any

undue /[420] influence or coercion.

6. Both-the parties have appeared before-the Court. The appellant was born in the year 1984, and-is graduate in commerce. He is /[450] working as senior manager in a private firm. The respondent was born in the year 1982 and she also is a graduate.

7. The respondent is scheduled /[480] to-leave-the country by 29.04.2016 and-it-is-not-possible for-her to-return to India within six months or in-the-near future, /[510] it-is submitted.

8. Having-regard-to-the educational background of-the appellant as-well-as-the respondent, and-the entire facts and circumstances, we-feel that-it-is /[540] a very peculiar situation where this Court should invoke its jurisdiction under-Article 142 of-the Constitution-of-India for doing complete justice between-the parties. We do so. /[570]

9. In-the above circumstances, HMA No.272 of 2016 filed on 29.03.2016 before-the Ld. Principal-Judge, /[600] Family-Courts, Tiz Hazari District Courts, Delhi under-Section 13-B(1) of-the Hindu Marriage Act, 1955 is allowed. The statutory period of six-months is waived /[630] and-the marriage between-the parties is dissolved.

10. The Registry to communicate a copy of-this judgment to-the Family Court forthwith.

11. The appeal is allowed /[660] as above. No order as to costs. (667 words)

JUDGEMENT (PASSAGE 26)

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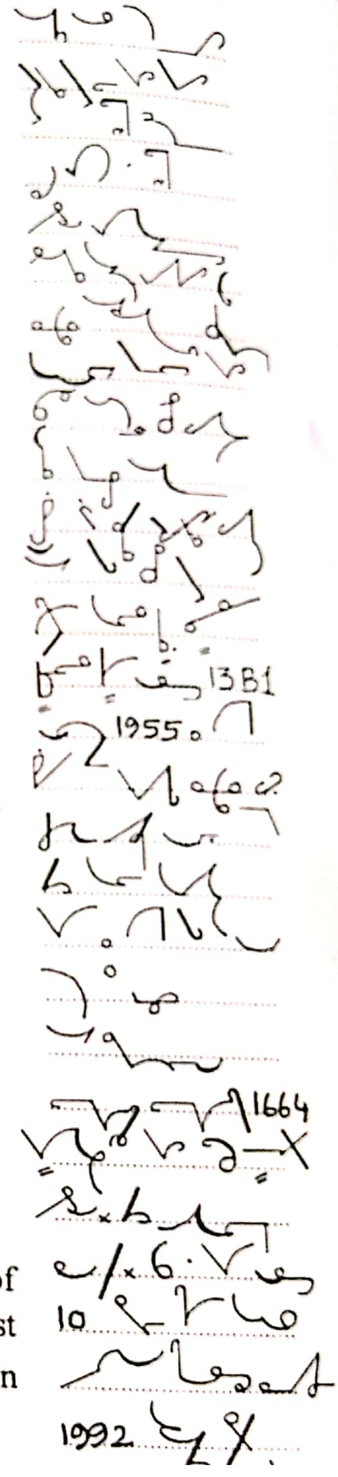
IN-THE SUPREME-COURT-OF-INDIA -- CRIMINAL-APPELLATE-JURISDICTION -- CRIMINAL-APPEAL NO.1664 OF 2005

Pallav Sheth, Appellant Versus Canara Bank, Respondent

Judgement by Shiva /[30] Kirti Singh, Judge.

1. This-is an appeal under-section 10 of-the Special-Court (Trial of Offences Relating to Transactions in Securities) Act, 1992, directed against /[60] the final judgment and order dated 17.10.2005 of-the Special-Judge in Special Case No. 1 of 2002.

2. In-view of nature /[90]



fact the appellant had admitted-the liability and issued cheques to-meet it but-the cheques were-not honored. The defence of-the appellant /[180] that such liability was only a civil liability without any criminal intention was not accepted by-the learned-Special-Court. /[210] After discussing-the relevant materials it held that dishonest misappropriation of-those shares on-the part of-the accused is writ large. While rejecting-the defence of-the accused that-/[240] there-was-no criminal intention on-his part in-not paying the amount of Rs.83,00,000/-, the learned-Judge, Special-Court in paragraph 23 of-the judgment /[270] under appeal has given lucid account of relevant facts for reaching at such conclusion. Para 23 runs as follows:

"23. In-this view of-the matter, I-do-not- /[300] find merit in-the submissions made on behalf of-the accused. Dishonest intention is quite-clear and-it-is since beginning of-the transaction. The delivery of-the shares and /[330] blank share transfer forms against the post dated cheque was made on 5.6.1992, the cheque was post dated of 20.06.1992. This conduct /[360] of-the accused shows a clear dishonest intention of misappropriation of-the shares or its sale consideration."

3. Since we-were inclined to-agree-with-the aforesaid view /[390] of-the learned-Special-Court on-the basis whereof-the appellant has-been convicted for offence under-section 409 of-the Indian-Penal-Code and sentenced to /[420] suffer RI for six-months and to pay fine of Rs.1,00,000/- only and in default to suffer RI for further three months, a suggestion was made /[450] by Mr. Rajiv Dutta, learned-senior-advocate-for-the-appellant, on-the basis of instructions received, that respondent bank should file a chart showing-the amount payable by-the appellant /[480] after deducting the amount that-has already-been paid and/or after taking-into-consideration-the adjustment of shares already made. In-the-light of-such pro-settlement stand on /[510] behalf of-the appellant, an order to-that effect was passed on 24th February, 2016.

4. On-the next and final date of hearing a chart /[540] showing-the amount payable by-the appellant to-the bank was produced. As-per-the original chart Rs.58,10,000/- is-the principal amount decreed against the /[570] appellant passed by-the Special-Court, Mumbai in Civil Suit No. 6 of 2002. It further transpires that interest has also-been allowed at-the rate of 18% /[600] per-annum from 20th June, 1992. After adjusting Rs.20,00,000/- paid by-the appellant in 2003 by-way-of part settlement, the balance amount with /[630] same rate of interest till 29th February, 2016 has resulted into an amount of Rs.2,86,17,424 payable by-the appellant /[660] to-the Bank

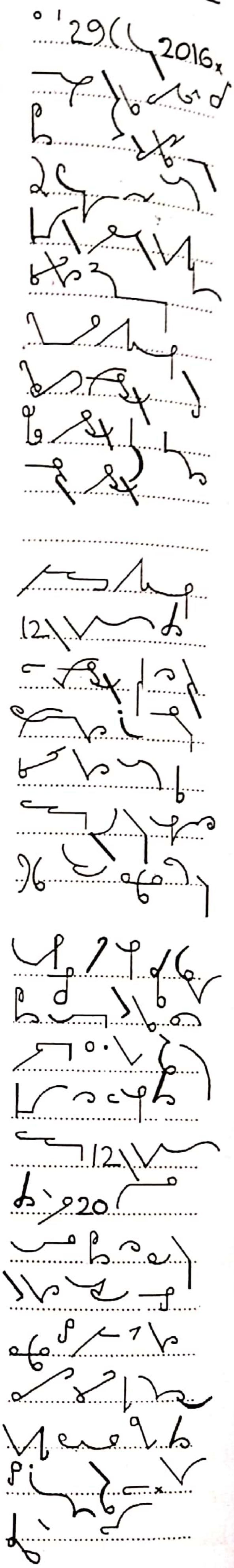
as on 29th February, 2016.

5. On hearing counsel for both-the parties, we-found good chances of a settlement between-the parties /[690] if a substantial amount could-be paid to-the bank by-the appellant so-as-to virtually meet the entire decretal liability within a reasonable period of time. On behalf /[720] of-the appellant a strong plea was made for working out such settlement but with a further plea that in-the larger interest of justice and considering his precarious financial/[750] condition, the rate of interest may-be reduced to a reasonable rate such as 12% per annum.

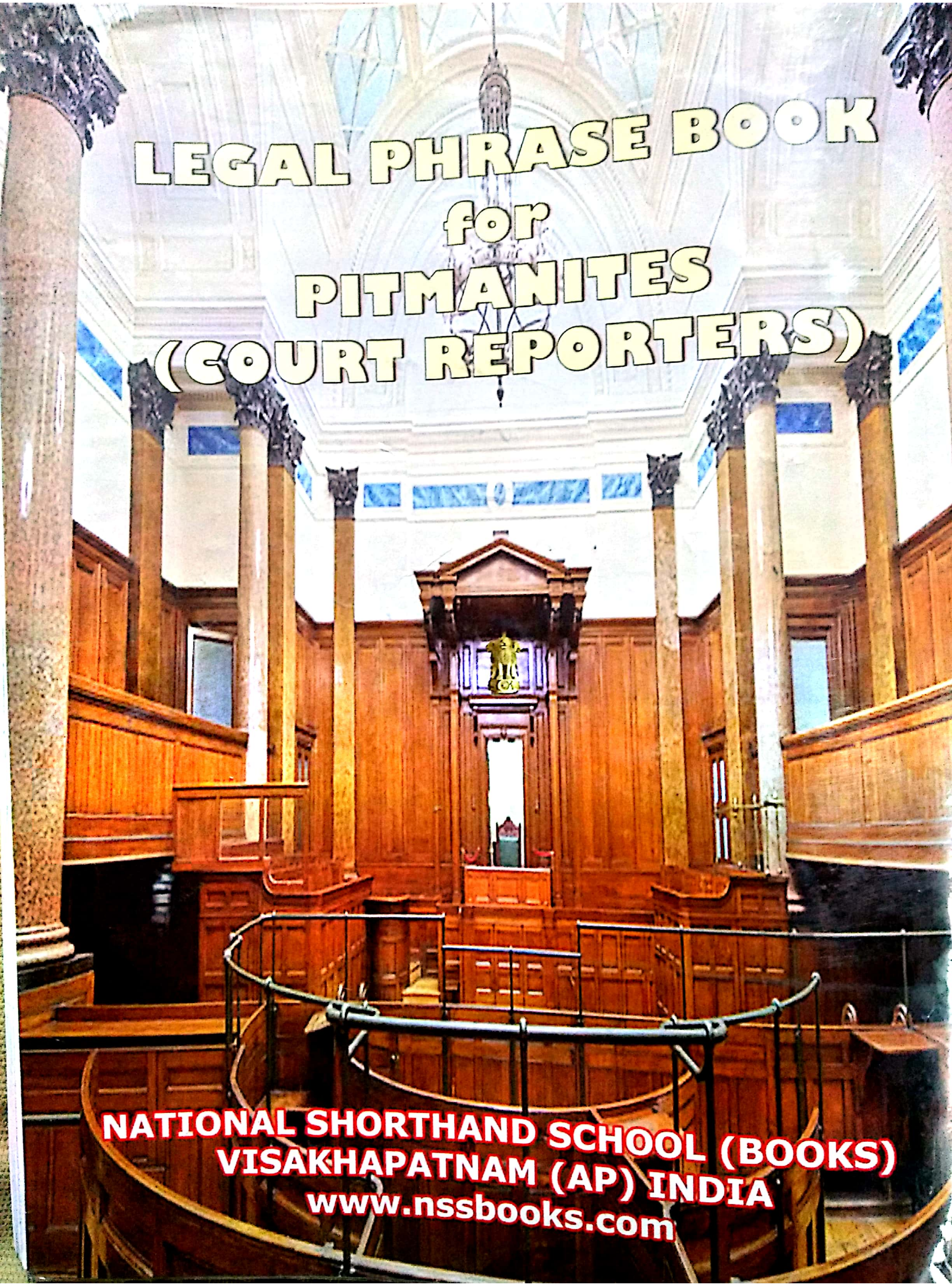
6. On our persuasion, learned-counsel for-the respondent-Bank obtained /[780] instructions and conveyed that-the respondent-bank was willing for such a settlement. It-was also made clear that a reasonable rate-of-interest as may-be determined by-this /[810] Court will-be acceptable to-the respondent-Bank.

7. On recalculation with rate-of-interest at 12% per-annum and adjustment of Rs.20,00,000/- already made, according /[840] to learned-counsel for-the respondent-bank the total amount payable by-the appellant as on 29.2.2016 would-be Rs.2,03,10,400/- /[870] only. Learned-senior counsel for-the appellant has conveyed. It-was accepted on behalf of-the appellant that-the entire dues calculated at-the rate of 12% per annum/[900] shall-be paid in two installments, first one payable by end of three months and-the final by end of six months from today.

8. In-the aforesaid facts /[930] and circumstances, in-the special facts and larger interest of justice this appeal is disposed of in-the following terms:(i) Since the settlement indicated above have-been accepted /[960] by-the parties, the same is recorded as a part of this judgment and order. (ii) The appellant shall pay-the decretal amount with interest calculated at-the rate of/[990] 12% per-annum from 20th June, 1992 with adjustment of Rs.20,00,000/- already paid in 2003, in two installments payable in three months and /[1020] six- months time respectively. (iii) In-case the settlement amount is-not paid by-the appellant in-the manner and to-the extent indicated above, then after six-months this /[1050] order shall stand recalled and-the appellant shall surrender to serve out-the remaining period of sentence of RI for six-months as-per-the judgment under appeal which/[1080] shall then stand confirmed by-this Court. The Appeal is disposed of accordingly. (1093 words)



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